

# THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Wednesday, the 3rd August 1932.

The House met at eleven of the clock, Mr. President (the hon. Mr. B. RAMACHANDRA REDDI) in the Chair.

## PRESENT:

- |                                                                                                                   |                                               |
|-------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|
| Usman Sahib Bahadur, <i>Kt.</i> , The hon. Khan Bahadur Sir Mahomed.                                              | Maharaja of Venkatagiri, The.                 |
| Krishnan Nayar, <i>Kt.</i> , The hon. Diwan Bahadur Sir M.                                                        | Mahboob Ali Baig Sahib Bahadur.               |
| Archibald Campbell, <i>K.O.L.E.</i> , <i>C.S.I.</i> , <i>C.B.E.</i> , <i>V.D.</i> , <i>I.C.S.</i> , The hon. Sir. | Mahmud Schamnad Sahib Bahadur, Khan Bahadur.  |
| Stokes, <i>C.S.I.</i> , <i>C.I.E.</i> , <i>I.C.S.</i> , The hon. Mr. H. G.                                        | Manikkavelu Nayakar, Mr. M. A.                |
| Muniswami Nayudu, The hon. Diwan Bahadur B.                                                                       | Moidoo Sahib Bahadur, Khan Bahadur T. M.      |
| Rajan, The hon. Mr. P. T.                                                                                         | Moses, Mr. P. C.                              |
| Kumaraswami Reddiyar, The hon. Diwan Bahadur S.                                                                   | Muniswami Pillai, Rao Sahib V. I.             |
| Abdul Hameed Khan, Mr.                                                                                            | Muthiah Chettiyar, Mr. M. A.                  |
| Ahmed Miran Sahib Bahadur.                                                                                        | Muthu Chettiyar, Rao Bahadur P. C.            |
| Alamelumangathayaramma, Mrs. K.                                                                                   | Nachiyappa Gounder, Mr. K. A.                 |
| Arasu, Mr. V. T.                                                                                                  | Nadimuthu Pillai, Mr. A. Pl. N. V.            |
| Ari Gowder, Mr. H. B.                                                                                             | Nanjappa Bahadur, Subadar-Major S. A.         |
| Arogyaswami Mudaliyar, Diwan Bahadur R. N.                                                                        | Narasa Reddi, Mr. T.                          |
| Basheer Ahmed Sayeed, Mr.                                                                                         | Narasimhaswami, Mr. D. V.                     |
| Basu Dev, Mr. C.                                                                                                  | Narayanan Nambiyar, Mr. V. P.                 |
| Bayappa Reddi, Mr. P.                                                                                             | Narayanawami Pillai, Rao Bahadur T. M.        |
| Beyabani Sahib Bahadur, S. M. K.                                                                                  | Natesa Mudaliyar, Rao Bahadur C.              |
| Bhanoji Rao, Mr. A. V.                                                                                            | Newcomb, Lieut.-Col. Clive.                   |
| Birley, Mr. F.                                                                                                    | Palat, Mr. R. M.                              |
| Davis, <i>M.B.E.</i> , Mr. J. A.                                                                                  | Pannirselvam, Rao Bahadur A. T.               |
| Devadasan, Mr. M.                                                                                                 | Parthasarathi Ayyangar, Mr. C. R.             |
| Dharmalingam Pillai, Rao Sahib V.                                                                                 | Patnaik Mahasayo, Sriman M. G.                |
| Ellappa Chettiyar, Diwan Bahadur S.                                                                               | Patro, <i>Kt.</i> , Rao Bahadur Sir A. P.     |
| Gopalaswami Mudaliyar, Diwan Bahadur M.                                                                           | Pattagar of Palayakottai, The.                |
| Hood, <i>I.C.S.</i> , Mr. H. M.                                                                                   | Peddiraju, Mr. P.                             |
| Hutton, Mr. A. W.                                                                                                 | Pocker Sahib Bahadur, B.                      |
| Indriah, Mr. C.                                                                                                   | Premayya, Mr. G. R.                           |
| Jagannatham, Mr. H. M.                                                                                            | Rajagopala Pillai, Mr. P. V.                  |
| James, Mr. F. E.                                                                                                  | Raja of Bobbili, The.                         |
| Jayarajam Nayudu, Rao Sahib C.                                                                                    | Raja of Kallikote, The.                       |
| Jones, <i>I.C.S.</i> , Mr. C. E.                                                                                  | Ramalingam Chettiyar, Rao Bahadur T. A.       |
| Kesava Ramamurti Nayudu, Mr. K.                                                                                   | Ramamurti, Pandit Ganala.                     |
| Khalif-ullah Sahib Bahadur, Khan Bahadur P.                                                                       | Raman Menon, Mr. K. P.                        |
| Kolanda Reddi, Rai Sahib C.                                                                                       | Ramaswami Ayyar, Mr. T. S.                    |
| Koti Reddi, Mr. K.                                                                                                | Ramaswami Mudaliyar, Mr. V. M.                |
| Krishnamurti, Rao Sahib D.                                                                                        | Ranganatha Mudaliyar, Mr. A.                  |
| Krishnan, Mr. C.                                                                                                  | Ranganatha Mudaliyar, Mr. G.                  |
| Krishnaswami Ayyar, <i>Kt.</i> , Diwan Bahadur Sir Alladi.                                                        | Rangaswami Reddi, Mr. M. B.                   |
| Kumara Raja of Venkatagiri, The.                                                                                  | Ratnasabhapati Mudaliyar, Diwan Bahadur C. S. |
| Kuppuswami Choudari, Mr. J.                                                                                       | Sahajanandam, Swami A. S.                     |
| Lakshmana Reddi, Mr. G.                                                                                           | Sami Venkatachalam Chetti, Mr.                |
| Luker, Mr. F. G.                                                                                                  | Satyanarayana Choudari, Mr. C.                |
| Madanagopal Nayudu, Mr. R.                                                                                        | Sesha Reddi, Mr. B. P.                        |
| Madhusoodhanan Thangal, Mr. P.                                                                                    | Shetty, Mr. A. B.                             |
|                                                                                                                   | Simhachalam Pantulu, Mr. Gade.                |
|                                                                                                                   | Singam Ayyangar, Mr. K.                       |
|                                                                                                                   | Siva Raj, Rao Sahib N.                        |



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PRESENT—cont.

|                                           |                                     |
|-------------------------------------------|-------------------------------------|
| Sivasubrahmanya Ayyar, Mr. K. S.          | Thomas, Mr. Daniel.                 |
| Slater, C.M.G., C.I.E., I.C.S., Mr. S. H. | Thorne, C.I.E., I.C.S., Mr. J. A.   |
| Smith, C.I.E., I.C.S., Mr. E. C.          | Venkatachala Reddiyar, Mr. K. C. M. |
| Sreshta, Mr. M. S.                        | (Zamindar of Minampalli).           |
| Srinivasa Ayyangar, Mr. T. C.             | Venugopal Nayudu, Rao Bahadur R. K. |
| Srinivasan, Rao Bahadur R.                | Yahya Ali Sahib Bahadur, Khan       |
| Sriramulu, Mr. G.                         | Bahadur.                            |
| Stanes, Mr. F. J.                         | Zamindar of Chemudu (Sri Vyricherla |
| Subbarayan, Dr. P.                        | Narayana Gajapati Raju), The.       |
| Subrahmanya Chetti, Rao Sahib P.          | Zamindar of Kirlampudi (Sri Raja    |
| Subrahmanya Bhatt, Mr. U. C.              | Ravu Ramakrishna Ranga Rao), The.   |
| Sundara Rao Nayudu, Mr. T.                | Zamindar of Mirzapuram (Mirzapuram  |
| Syed Tajuddin Sahib Bahadur, Khan         | Raja alias Venkataramayya Appa      |
| Sahib.                                    | Rao), The.                          |

## I.—QUESTIONS AND ANSWERS.

## STARRED QUESTIONS

## Education

*Extent of retrenchment in the Educational department.*

\* 56 Q.—MR. SAMI VENKATACHALAM CHETTI: Will the hon. the Minister for Education and Excise be pleased to state—

(a) what the amount retrenched is in the departments of elementary, secondary and collegiate education, in grants, maintenance of institutions, building and equipment grants, etc., and staff in the offices;

(b) whether a place of Deputy Director of Public Instruction was recommended to be abolished; and

(c) whether it was abolished; if not, why not?

A.—(a) The hon. Member is referred to Table B in Appendix III to the Report of the Madras Retrenchment Committee which shows the savings effected under the several heads in 1931–32. Orders on some of the recommendations of the Committee are just being given effect to. Certain recommendations, particularly those relating to grants to non-Government institutions, are still under consideration. It is not, therefore, possible to calculate *at present* the amount of retrenchment in the current year.

(b) & (c) The hon. Member is referred to paragraph 15 on page 122 of the Report referred to above. The Committee did not recommend the abolition of a post of Deputy Director, but recommended a *reduction* in the number of deputies by one and suggested that the post of Deputy Directress might be held in abeyance rather than the temporary post of Deputy Director for Elementary Education. The Government accepted the suggestion.

*Report of the Muslim Education Committee.*

\* 57 Q.—MR. ABDUL HAMEED KHAN: Will the hon. the Minister for Education and Excise be pleased to state—

(a) whether he has received the report of the Muslim Education Committee;

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(b) if so, on what date it was received; and

(c) whether the Government have passed any orders on the report?

A.—(a) & (b) Yes, on the 22nd March 1932.

(c) The report is under consideration.

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I ask when the Government expect to pass orders on the report? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I cannot say."

Mr. BASHEER AHMED SAYEED:—" May I know whether copies of the report will be made available to the Members of the House? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" When the time comes; not at once."

### Excise

*Memorial from the menials of the Excise department asking for a change in their appellation.*

\* 58 Q.—Mr. V. T. ARASU: Will the hon. the Minister for Education and Excise be pleased to state—

(a) whether Government have received any memorial or representation from the association of the menials in the Excise department asking for a change in their appellation; and

(b) if so, what orders were passed by the Government thereon?

A.—(a) Yes.

(b) The Government declined to grant the request.

Mr. V. T. ARASU:—" May I know what is the change that was asked for here? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" So far as I remember they asked for a change in their designation. They wanted to be called constables."

Mr. V. T. ARASU:—" What is the objection on the part of the Government for effecting the change? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" They can do equally well with their present designation. There is no reason for the change."

Mr. V. T. ARASU:—" Will this change cause any financial loss to Government? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" It may not; but that is not the only consideration."

Mr. V. T. ARASU:—" What are the other considerations, Sir? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I am not prepared to give a list of them. I want notice if my hon. Friend is anxious about knowing all the considerations on which the order was based."



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**Co-operation***Representation of Muslims in the higher grades of the Co-operative Department.*

\* 59 Q.—MR. BASHEER AHMED SAYEED: Will the hon. the Minister for Public Works be pleased to state—

(a) the number of Assistant, Deputy and Sub-Deputy Registrars in the Co-operative Department and the community to which each one of them belongs as on the 30th of June 1932;

(b) the number of Muslim Assistant, Deputy and Sub-Deputy Registrars and the nature of appointment each one of them holds as on the 30th of June 1932; and

(c) what steps the Government have taken or propose to take to raise the proportion of Muslims in the Co-operative Department?

A.—(a) There are no Assistant Registrars in the Department. The information about the Deputy and Sub-Deputy Registrars is given below :—

|                        | Number of officers. | Communities to which they belong. |    |
|------------------------|---------------------|-----------------------------------|----|
| Deputy Registrars.     | 23                  | Brahman .. ..                     | 7  |
|                        |                     | Non-Brahman (Hindu) ..            | 11 |
|                        |                     | Christian .. ..                   | 2  |
|                        |                     | Muhammadian .. ..                 | 2  |
|                        |                     | Other communities ..              | 1  |
|                        |                     | Total ..                          | 23 |
| Sub-Deputy Registrars. | 37                  | Brahman .. ..                     | 23 |
|                        |                     | Non-Brahman (Hindu) ..            | 11 |
|                        |                     | Muhammadian .. ..                 | 1  |
|                        |                     | Other communities ..              | 1  |
|                        |                     | Anglo-Indian or European .. ..    | 1  |
|                        |                     | Total ..                          | 37 |

(b) Deputy Registrars—Two ; both are acting.  
Sub-Deputy Registrars—One ; permanent.

(c) Recruitment to the cadre of Deputy Registrars and direct recruitment to the cadre of Sub-Deputy Registrars are governed by the communal rule.

MR. BASHEER AHMED SAYEED :—“ May I ask what steps the Government have taken to increase the representation of Muslims in the superior cadre of the Co-operative Service? ”

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The hon. Mr. P. T. RAJAN:—"No particular step has been taken, excepting that the communal Government Order will apply and the Muhammadans will have adequate representation."

Mr. BASHEER AHMED SAYEED:—"May I know since when the communal Government Order is being applied, and whether it is the case that even after the application of the communal Government Order there are only two deputy registrars and one sub-deputy registrar in the whole service from among the Muslim community?"

The hon. Mr. P. T. RAJAN:—"I believe Muhammadan candidates were not available in spite of the advantage given by the communal Government Order."

Rao Sahib V. I. MUNISWAMI PILLAI:—"In the answer it is given 'Other communities ...', May I know what is meant by 'other communities'?"

The hon. Mr. P. T. RAJAN:—"I believe the depressed class communities. I cannot say anything more definite off-hand."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"Is it not a fact that two applications for these posts from among the Muhammadans are pending with Government?"

The hon. Mr. P. T. RAJAN:—"Not only two, but three; but all of them are over-aged."

Mr. BASHEER AHMED SAYEED:—"May I know whether the Minister wants us to understand that in spite of advertisement having been made Mussalmans were not forthcoming?"

The hon. Mr. P. T. RAJAN:—"Mussalmans did apply and they were selected; but by the time vacancies arose they were over-aged."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"May I ask whether the Government have not the power to exempt these people from age-limit?"

The hon. Mr. P. T. RAJAN:—"I do not think the Government can exempt in any particular case."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"In view of the dearth of candidates among Mussalmans, will they not be pleased to exempt them from age-limit?"

The hon. Mr. P. T. RAJAN:—"Government cannot exercise this power in individual cases."

Mr. BASHEER AHMED SAYEED:—"May I know whether Government will keep in view these things and show some special consideration to Mussalmans in order to equalize their representation in the service?"

The hon. Mr. P. T. RAJAN:—"When the vacancies arise."

Mr. BASHEER AHMED SAYEED:—"At the time when the vacancies arise, will Government be pleased to give preference to them?"



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The hon. Mr. P. T. RAJAN:—"I do not think they can have any preference when they have their turn according to the communal Government Order."

Mr. V. T. ARASU:—"Arising out of the answer to the question of my hon. Friend, Mr. Basheer Ahmed Sayeed, may I know whether it is their opinion that Government have no power to exempt candidates from age-limit?"

The hon. Mr. P. T. RAJAN:—"Not in individual cases."

Khan Bahadur P. KHALIF-UL-LAH SAHIB Bahadur:—"In view of the fact that Muhammadans are badly represented in this particular department, will Government be pleased to give exemption to this community?"

The hon. Mr. P. T. RAJAN:—"An amendment should be made to the rules. In certain cases I think the age-limit has been raised from 25 to 27. Muhammadans and depressed classes, I think, come under that."

Mr. BASHEER AHMED SAYEED:—"May I know whether the age-limit will be raised in the case of the Co-operative department in respect of Mussalmans in reference to the posts of deputy registrar and sub-deputy registrar?"

The hon. Mr. P. T. RAJAN:—"I shall consider the suggestion."

### Veterinary

*Number and employment of students who passed the diploma examinations in the Veterinary College.*

\* 60 Q.—Mr. A. B. SHETTY: Will the hon. the Minister for Public Works be pleased to state—

(a) how many students have passed in the diploma examinations held in the Veterinary College in 1930, 1931 and in 1932; and

(b) how many of these have so far been given employment in the Madras Veterinary Department?

A.—(a) 85.

(b) 29 were given employment. Three of those appointed in 1931 had to be discharged as a measure of retrenchment.

### Local Self-Government

*Licence fee schedules for buses since January 1932.*

\* 61 Q.—Mr. F. E. JAMES: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) how many District Board licence fee schedules for buses have been sanctioned since January the 1st, 1932;

(b) how many of such schedules represent an increase and how many a decrease in licence fees on the previous schedule;

(c) what is the average District Board licence fee on a 18-seater bus in the Presidency (excluding Madras City); and

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(d) what is the average total amount levied on each 18-seater bus under District Board licence fees and provincial taxation throughout the Presidency (excluding Madras City)?

A.—(a) The licence fee schedules of the Anantapur, Coimbatore, West Godavari, Madura and the Nilgiri District Boards have been sanctioned since the 1st January 1932.

(b) There was no change in the rates of licence fees in respect of the Anantapur and Coimbatore District Boards (existing rates under the old by-laws were approved). The West Godavari District Board effected a reduction in the rate of fees on motor buses from half a pie per seat per day per mile to 5/12th pie per seat per day per mile. In the case of the Madura and the Nilgiri District Boards there was a slight increase as shown below. The revised rates in the two districts are considerably lower than the average for other districts in the Presidency.

| Rates prior to 1st January 1932.                                                          | Rates after 1st January 1932.                                                              |
|-------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|
| <b>Madura District Board—</b>                                                             |                                                                                            |
| (i) Vehicles licensed to carry more than 16 passengers—Rs. 200 per half year.             | (i) Vehicles licensed to carry more than 16 passengers—Rs. 200 per half year.              |
| (ii) Vehicles licensed to carry over 10 but less than 17 passengers—Rs. 75 per half year. | (ii) Vehicles licensed to carry over 10 but less than 17 passengers—Rs. 100 per half year. |
| (iii) Vehicles licensed to carry over 5 but less than 11 passengers—Rs. 25 per half year. | (iii) Vehicles licensed to carry over 5 but less than 11 passengers—Rs. 50 per half year.  |
| (iv) Vehicles licensed to carry 5 or less passengers—Rs. 15 per half year.                | (iv) Vehicles licensed to carry 5 or less passengers—Rs. 25 per half year.                 |
| <b>The Nilgiris District Board—</b>                                                       |                                                                                            |
| (1) Vehicles intended to carry over 16 passengers—Rs. 30 per seat per year.               | } Rs. 18 per seat per year.                                                                |
| (2) Vehicles of 10–16 seating capacity—Rs. 15 per seat per year (average).                |                                                                                            |
| (3) Vehicles of 7–10 seating capacity—Rs. 13 per seat per year (average).                 |                                                                                            |

(c) About Rs. 960 a year.

(d) About Rs. 1,500 a year.

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"In view of the great disparity in licence fees between one district and another, will Government instruct the district boards to raise the rate of fees wherever they find it low?"

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—"It is a matter entirely for the district boards to move."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"In view of the fact that the proceeds under the Motor Vehicle Taxation Act have



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gone much below the anticipated revenue, will the Government be pleased to give the boards a lead in the matter? "

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—"The complaint is that the licence fees now charged combined with the tax under the Motor Vehicles Taxation are very high and have driven a number of buses off the road. If in any particular district, the licence fees are very low, and if the district board moves in the matter, the Government will consider any proposal to raise the fees on its merits. But it is entirely a matter for the district board to move and satisfy the Government that the raising of the rates is necessary and justifiable."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"May I know whether the Government will be pleased to amend the Act fixing a minimum and a maximum? "

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—"That question is under consideration and there is also a Bill given notice of in which the matter will be considered."

Mr. BASHEER AHMED SAYEED:—"May I know whether a sum of 3 to 4 lakhs is due to the Corporation of Madras in respect of this provincial tax? "

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—"It is being paid in instalments."

Mr. BASHEER AHMED SAYEED:—"When is the last instalment going to be paid to the Corporation? "

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—"As soon as the amount is collected, and the division is made among the local bodies."

Mr. BASHEER AHMED SAYEED:—"May I know the number of instalments paid so far out of the tax to the local bodies? "

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—"The instalments for 1931-32 have been paid."

Mr. BASHEER AHMED SAYEED:—"Is it not that only two instalments were paid and not others and on that account the local bodies and municipalities are suffering? "

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—"What has been collected for 1931-32 has been paid."

*Condition of motor transport in the Presidency.*

\* 62 Q.—Mr. A. B. SHETTY: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) the total amount of provincial tax due from motor vehicles for the year 1931-32 and the amount actually collected in 1931-32;

(b) the number of motor vehicles that were plying for hire at the beginning of 1931-32 and their number at the present time; and

(c) whether any enquiry has been made regarding the plight of motor transport business in the several districts of this province?

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A.—(a) It is not possible to specify the total amount of tax due in 1931–32 since a number of motor vehicles which appeared in the registers had in fact gone off the roads altogether. The amount of tax actually collected in the year was Rs. 29,69,073.

(b) The number at the beginning of 1931–32 was 4,172 and that in the first quarter of 1932–33 about 2,700.

(c) No enquiry has been made but the Government have received representations on the subject.

*Number of motor vehicles licensed during 1931–32 and the income therefrom.*

\* 63 Q.—Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR: “Will the hon. the Minister for Local Self-Government be pleased to state—

(i) the number of (a) buses, (b) lorries, (c) motor cars, and (d) motor cycles licensed during the year 1931–32 in each district;

(ii) the amount of provincial tax derived by the Government by the licensing of the said vehicles; and

(iii) the cost of collection of the taxes?

A.—(i) A statement\* is appended.

(ii) Rupees 29,69,073.

(iii) Rupees 48,919.

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—“May I know the number of lorries, including buses, owned by the Police department?”

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—“I cannot answer that now, Sir.”

### Public Health

*Disposal of the Cinema projectors, etc., of the Temperance Propaganda Committees, now defunct.*

\* 64 Q.—Mr. A. B. SHETTY: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the cinema projectors, magic lanterns and slides belonging to the late Temperance Propaganda Committees were given free to any of the local boards, and if so, to which of them; and

(b) whether the Government have declined to sanction the free supply of a cinema projector to the South Kanara District Board or the Puttur Taluk Board?

A.—(a) One cinema projector (inclusive of a generator and battery), one magic lantern and three sets of slides were given to each of the district boards of Coimbatore, Chittoor, Guntur, Salem and Tanjore.

(b) Yes.

Mr. V. M. RAMASWAMI MUDALIYAR:—“May I know why the five districts have been specially favoured?”



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The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—"There is no question of special favour. When the Government decided to dispose of them they consulted the local boards as to who were willing to take them. The district boards should meet the cost of maintaining the buses and also of paying the taxation under the Motor Vehicles Taxation Act. Only five buses were available and the others were required for Police purposes."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"May I know whether the Government have since passed orders that these vans should be transferred to the Police department?"

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—"I do not know, Sir; I shall enquire."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"The hon. Member can take it from me that the Government have issued an order asking them to transfer the vans to the Police department."

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—"I shall consider it."

Mr. V. M. RAMASWAMI MUDALIYAR:—"May I know whether the Chief Minister was not consulted when this Police Order was passed?"

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—"When we decided upon discontinuing the propaganda, the buses were at the disposal of the Government. We then proposed that all these might be handed over to the various district boards temporarily. Subsequently orders were passed directing that five district boards might have them and the others should be handed over to the Police."

Rao Bahadur T. M. NARAYANASWAMI PILLAI:—"The question refers only to the cinema projectors and not the other things. What is the objection to giving the magic lanterns and slides also free to these boards?"

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—"No objection; only they must be paid for."

Mr. V. T. ARASU:—"May I know whether all the presidents of district boards were informed that these projectors were available and they received applications only from the five districts?"

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—"The Director of Public Health was asked to publish a notice that these were available to the district boards, if they agreed to pay the tax on them, etc."

Diwan Bahadur M. GOPALASWAMI MUDALIYAR:—"In view of the fact that the district boards have been hard hit on account of the small income they derive, will Government be pleased to exempt them from motor taxation?"

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—"No, Sir."

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**Religious and Charitable Endowments**

*Proposals for the amendment of the Hindu Religious Endowments Act.*

\* 65. Q.—**MR. A. RANGANATHA MUDALIYAR:** Will the hon. the Minister for Local Self-Government be pleased to state for how long the proposals of the Hindu Religious Endowments Board for the amendment of the Hindu Religious Endowments Act have been under the consideration of the Government and when they propose to undertake legislation on the subject?

A.—A comprehensive amendment Bill was drafted by the President, Hindu Religious Endowments Board, and sent to Government in November 1927. The amendments were examined and a draft Bill was prepared towards the end of 1930. Some of the provisions therein were embodied in the amending Acts passed as Act V of 1929, Act IV of 1930 and Act XI of 1931. The other provisions of the Bill contemplate—

- (1) provincializing the Hindu Religious Endowments Board and the audit staff,
- (2) splitting the Hindu Religious Endowments Board into an executive board and one or two judicial commissioners,
- (3) placing excepted temples on a par with ordinary temples in regard to the control over their budgets.

It is not possible to provincialize the Hindu Religious Endowments Board owing to the present financial position of the Government. Power has, however, been taken under Act XI of 1931 to enable the Hindu Religious Endowments Board and District Committees to recover their contributions through the Collector as arrears of land revenue, which, it is hoped, will facilitate collections. The other two points are under consideration of the Government.

**MR. A. RANGANATHA MUDALIYAR:**—“ May I know with reference to (a), when the Government expect to come to conclusion ? ”

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—“ The question is now placed before the Local Advisory Committee which is to meet again to-morrow.”

*List of temple committees, active and defunct.*

\* 66. Q.—**MR. A. B. SHETTY:** Will the hon. the Minister for Local Self-Government be pleased to state—

- (a) which of the temple committees are functioning now;
- (b) which committees have been wound up; and
- (c) whether the arrears of contributions due from temples are being collected through the revenue authorities, and if so, in which districts ?



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- A.—(a) The temple committees in the Tanjore, South Arcot and Tinnevely districts and the one constituted for the Madura Sri Minakshi Devasthanam and its allied institutions are functioning now.
- (b) The hon. Member is referred to the answer to question No. 35. These committees have not been 'wound up' but have ceased to function on the expiry of their term.
- (c) The information has been called for.

### Wireless Installation

*Proposals regarding broadcasting in this province.*

\* 67 Q.—MR. A. B. SHETTY: Will the hon. the Member for Finance be pleased to state—

(a) whether the Madras branch of the European Association has submitted to the Government any scheme for broadcasting in this Province; and

(b) whether the Madras Government propose to take up broadcasting service?

A.—(a) No.

(b) The Government have not so far proposed to do so.

MR. F. E. JAMES:—"In view of the fact that there is a proposal under consideration by the Madras Corporation for the extension of the broadcasting service considerably beyond the limits of the municipal area, will the Government consider the desirability of resuming control?"

The hon. Mr. H. G. STOKES:—"The Government will consider the hon. Member's suggestion."

### Irrigation

*Progress of the High Level Channel scheme.*

\*68 Q.—MR. K. SINGAM AYYANGAR: Will the hon. the Member for Revenue be pleased to state—

(a) in what stage the work of the High Level Channel scheme is at present and how far progress has been made;

(b) the extent of irrigation that has been provided in the High Level Channel scheme and whether the Government contemplate to make additional provision for a further extent of land to be irrigated and if so, to what extent and at what cost;

(c) whether the construction of the bed regulator is dependent on and as a preliminary to the construction of the High Level Channel;

(d) whether the Special division in charge of the bed regulator is carrying on the work of the High Level Channel scheme; if so, how and if not, why not; and

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(e) whether final orders have been passed regarding the extension of the period for the collection of kists in the Trichinopoly district and if so, the nature of such orders?

A.—(a) Land plans and schedules have been completed for about 16 miles and much progress has been made in investigation in connexion with the preparation of site surveys, working plans and estimates for the works to be sanctioned technically by the Superintending Engineer.

(b) (i) 20,552 acres.

(ii) Not as part of the present scheme.

(c) Both are parts of the same scheme and the Bed Regulator is necessary to enable the High Level Channel to get its supply.

(d) The Special Division is in charge not only of the Bed Regulator but also of the High Level Channel.

(e) The attention of the hon. Member is drawn to paragraphs 7 and 11 of G.O. No. 1162, Revenue, dated 6th June 1932, revising the kistbandi of all the taluks of the district with the exception of Karur as follows:—

|          |     |     |     |     |          |
|----------|-----|-----|-----|-----|----------|
| January  | ... | ... | ... | ... | 6 annas. |
| February | ... | ... | ... | ... | 6 „      |
| March    | ... | ... | ... | ... | 4 „      |

Mr. K. SINGAM AYYANGAR:—“ With reference to (a), may I know as to when these estimates will be ready and when the work will be put on hand ? ”

The hon. Sir ARCHIBALD CAMPBELL:—“ I cannot say how soon the estimates will be ready. The intention is to proceed with the work as soon as possible.”

### Land Revenue Administration

*Religious and charitable service inams in the districts of South Arcot, Chingleput and the City of Madras.*

\* 69 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Member for Revenue be pleased to state—

(a) what the original extent was of land, wet and dry, comprised in the religious and charitable service inams confirmed by the Commissioner in 1860 in the districts of South Arcot, Chingleput and the City of Madras and what the nature of the service in each case was;

(b) how much of this extent of inam lands has been since (i) enfranchised, (ii) resumed, (iii) re-assigned or re-granted, and when was the same done and for what reasons;

(c) what the extent is of religious and charitable service inam lands now remaining or existing in each of the taluks of South Arcot, Chingleput and in the City of Madras and where they are located; and



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(d) in which of the religious and charitable service inams in the districts of South Arcot, Chingleput and the City of Madras are the terms of the grant being fulfilled and what the nature is of the service rendered in the respective inams ?

A.—(a) to (d) The Government are not in possession of these particulars. Their compilation would involve considerable labour and expense.

11-15  
a.m.

Mr. BASHEER AHMED SAYEED:—"Whether in view of the necessity to prevent the lands comprised in the religious and charitable endowments from being wasted or maladministered, the Government will be pleased to make a survey of the original extent of lands allotted for these purposes and then place their report before this Council in order to enable the non-official Members of this Council to bring into existence some sort of legislation to put a stop to any further maladministration or to prevent further disappearance of the existing wakf properties ?"

The hon. Sir ARCHIBALD CAMPBELL:—"On the facts before us I am afraid that it will cost us a great deal of money to make such an investigation. If there has been any particular case where there has been maladministration, and the hon. Member draw my attention to it, I will make the necessary enquiries."

Khan Bahadur P. KHALIF-UL-LAH SAHIB Bahadur:—"May I know what would be the likely cost of this investigation ?"

The hon. Sir ARCHIBALD CAMPBELL:—"That I cannot say. It may be deputing a special officer and so forth."

B. POCKER SAHIB Bahadur:—"Does not the Government think it necessary to have some kind of wakf legislation on the right lines of the Hindu Religious Endowments Act and for that purpose it is necessary to have those particulars ?"

The hon. Sir ARCHIBALD CAMPBELL:—"I am afraid it is not possible to undertake to make any such investigation."

B. POCKER SAHIB Bahadur:—"Does the Government think it possible to have such a legislation without those particulars? That is my question."

The hon. the PRESIDENT:—"That is asking for opinion."

Mr. BASHEER AHMED SAYEED:—"May I ask whether it is really impossible to do that? After all is it a great thing to depute one Deputy Collector to go round the whole Presidency and find out the exact state of the religious and charitable endowments concerning the Muslim community and place his report before a Committee of non-officials of this House? Will not the Government give so much assistance to the non-official Members of this House with a view to enable them to frame a legislation of that kind for a very necessary purpose ?"

The hon. Sir ARCHIBALD CAMPBELL:—"The Board's Standing Orders contain the rules of procedure that are to be adopted in these



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cases, by those who are in the management of these institutions. In the absence of any proof that there has been a general failure to carry out those orders and that our present machinery is inadequate for the purpose, I am afraid I must decline to undertake any such investigation."

Mr. BASHEER AHMED SAYEED:—"May I ask whether, in view of the non-availability of such particulars, we cannot frame any kind of legislation, the hon. the Revenue Member will be reluctant to give us the exact position of those charitable endowments as they obtain at present."

The hon. Sir ARCHIBALD CAMPBELL:—"I am afraid the cost of preparing such statistics will be very high. I do not know to what cases the hon. Member refers. I have said already that if the hon. Member brings before me any particular cases I shall have enquiries made."

Mr. BASHEER AHMED SAYEED:—"In view of the fact that the original extent of lands meant for religious and charitable purposes endowed by the then Government has dwindled and no one knows exactly how much is left and how much is not left, may I not ask the Revenue Department who are the best authorities on the subject to give us the details as to what exactly is the position of wakfs to-day?"

The hon. Sir ARCHIBALD CAMPBELL:—"If the hon. Member will bring to my notice specific cases, I shall have the necessary enquiries made."

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—"May I ask whether the Government receive reports from the Collectors with reference to the administration of these endowments? I understood the hon. Member to say that it is part of the regular duties of the Revenue Department."

The hon. Sir ARCHIBALD CAMPBELL:—"I cannot say whether the required information can be collected from the jamabandi report. It is no doubt true that matters pertaining to the administration of these endowments are reported in the jamabandi."

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—"May I take it that the hon. Member will ask the Collectors to send annual reports according to the administration reports?"

The hon. Sir ARCHIBALD CAMPBELL:—"I will consider the suggestion."

B. POCKER SAHIB Bahadur:—"May I ask whether there is any report from which it is possible for non-official Members to gather this information so that they may bring in a legislation?"

The hon. Sir ARCHIBALD CAMPBELL:—"I have already answered that question."

B. POCKER SAHIB Bahadur:—"Is the Government aware that it is not possible for any private Member to bring any Bill of this sort without such information as has been already asked for and that such information will not be available to anybody except the Government?"



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*Names of the present holders of the various religious and charitable service inams in the districts of South Arcot, Chingleput and the City of Madras.*

\* 70. Q.—MR. BASHEER AHMED SAYEED: Will the hon. the Member for Revenue be pleased to state—

(a) the names of the present holders of the various religious and charitable service inams in the districts of South Arcot, Chingleput and the City of Madras as entered in the revenue records of the districts and in what right they hold the inams;

(b) what steps have been taken by the Collectors and subordinate revenue authorities in South Arcot, Chingleput and Madras to see that the religious and charitable service inams confirmed by the Inam Commissioner are not enjoyed without the terms of the grant being fulfilled during the last five years; and

(c) what the effect was of the steps taken by the revenue authorities in the said districts?

A.—(a) The compilation of these particulars will involve considerable labour and expense which will, in the opinion of Government, be hardly justified.

(b) & (c) The attention of the hon. Member is invited to B.S.O. No. 54 which contains detailed instructions for the enforcement of the terms of the grant of religious and charitable inams. The Government presume that these instructions are being followed in the districts mentioned.

### Public Service

*Exemptions to persons who have put in 30 years of service.*

\* 71. Q.—MR. SAMI VENKATACHALAM CHETTI: Will the hon. the Member for Revenue be pleased to state—

(a) whether in pursuance of the retrenchment proposals or otherwise all persons who have put in 30 years of service have been retired;

(b) whether any exemptions were granted; and

(c) if so, what the grounds are upon which such exemptions were granted?

A.—(a) Government did not require all such officers to retire from service but have included them among the categories of officers to be selected for discharge, if necessary, where as a measure of retrenchment it is decided to reduce the total strength of any service. A copy of the statutory rules issued in the matter will be found published as Public (Services) Department Notification No. 52, dated the 31st March 1932, on pages 649-50 of Part I of the *Fort St. George Gazette*, dated the 5th April 1932.

(b) & (c) No exemptions have been granted.

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Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" May I know, with reference to answers to clauses (b) and (c), whether no exemptions have been granted and whether Government have passed orders on all applications requesting for exemption of certain men of over 30 years service from being made to retire or are their applications still pending disposal? "

The hon. Sir ARCHIBALD CAMPBELL:—" I am afraid I cannot say."

Mr. A. RANGANATHA MUDALIYAR:—" May I know whether the answer relates to the Revenue department or to all departments? "

The hon. Sir ARCHIBALD CAMPBELL:—" So far as I am aware, it applies to all departments."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" In view of the hardship that will be caused to junior men in service, will the Government be pleased to turn down all requests for exemptions if they are pending in some cases? "

The hon. Sir ARCHIBALD CAMPBELL:—" I cannot make any promise of that kind."

Mr. A. RANGANATHA MUDALIYAR:—" If Government are of opinion that men who have put in 30 years service are to be retired from service, they must also lay down that those who have put in 55 years of service should also be similarly retired."

The hon. Sir ARCHIBALD CAMPBELL:—" I think the answer given to clauses (b) and (c) refers to both. I think those men who have put in 55 years of service also come under this rule."

Mr. A. RANGANATHA MUDALIYAR:—" In that case, the answer given here to clauses (b) and (c) is not correct. As a matter of fact, I know there are cases where exemptions have been given not once or twice, but even thrice."

### Ports

*Excess payment of leave allowance to Mr. G. G. Armstrong.*

\* 72 Q.—B. POCKER SAHIB Bahadur: Will the hon. the Law Member be pleased to state—

(a) whether Mr. G. G. Armstrong, Chairman of the Madras Port Trust, availed himself of leave during the year 1931; if so, for what period;

(b) what is the amount of leave allowance that he drew during the period;

(c) how much of that amount is in excess of the maximum leave allowance allowed under the Fundamental Rules; and

(d) why Government condoned this excess payment to an officer drawing Rs. 3,000 a month?

A.—As the hon. Member is aware the Local Government are merely the agents of the Government of India in regard to this matter.

(a) Yes; 7 months and 12 days.

(b) Rs. 21,677-6-8.



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- (c) The above amount of leave salary is in excess by Rs. 989-9-7 of the maximum leave allowance he could have drawn had the limits prescribed in Fundamental Rule 89 (2) been applied.
- (d) The terms of his appointment did not specifically stipulate that the limits laid down in Fundamental Rule 89 (2) regarding the maximum amount of leave salary would apply to him. The Government did not therefore consider it necessary to insist on recovering from him any of the amount drawn as salary during the leave taken in 1931. They have, however, directed that the provisions of Fundamental Rule 89 (2) should be enforced whenever he goes on leave in future.

*Expenditure on the Madras Port Staff Club.*

\* 73 Q.—B. POKKER SAHIB Bahadur: Will the hon. the Law Member be pleased to state—

(a) whether the Madras Port Staff Club is maintained from the funds of the Madras Port, and if so, what is the annual revenue and expenditure in respect of the Club;

(b) whether a sum of Rs. 4,000 was recently sanctioned for repairs to the roof of the Club; and

(c) whether persons not in the service of the Port are also members of the Club?

A.—(a) The answer to the first part of the question is in the negative. The second part does not arise.

(b) An estimate amounting to Rs. 4,000 was sanctioned by the Port Trust Board on the 8th May 1931 for renewing the roof of the Trust's premises which have been leased to the Madras Port Staff Club.

(c) Yes; such members are not however active members of the club, but are only honorary members.

**Prisons**

*Compulsory retirement, etc., of officers in the Jail department.*

\* 74 Q.—MR. BASHEER AHMED SAYEED: Will the hon. the Law Member be pleased to state—

(a) whether the recent rules and orders on retrenchment by means of compulsory retirement, etc., of officers was made applicable to the Jail department;

(b) if so, how many of the gazetted ranks and how many of the non-gazetted ranks were retired, and what the service of each of the persons so retired was; and

(c) if not, why not?

A.—(a) Yes.

(b) & (c) The question of retiring an officer in the gazetted rank is under the consideration of Government. Particulars as to the officers who were retired in the non-gazetted ranks are not available and have been called for.

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Mr. BASHEER AHMED SAYEED:—" May I ask who is this officer that is sought to be retired compulsorily? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" He is a gazetted officer. It is Mr. Krishna Ayyar, the Deputy Superintendent in the Coimbatore Central Jail."

Mr. BASHEER AHMED SAYEED:—" May I know what is the total service that he has put in? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" All that is under investigation."

Mr. BASHEER AHMED SAYEED:—" May I know whether there is any other person who has put in 25 or more than 30 years service and who is a gazetted officer and who will come under this rule? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" No other gazetted officer."

*Desirability of abolishing the post of Personal Assistant to the Inspector-General of Prisons.*

\* 75 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Law Member be pleased to state—

(a) when the post of the Personal Assistant to the Inspector-General of Prisons was created and why;

(b) what the annual cost is of the establishment of the Personal Assistant and the staff under him, if any;

(c) when the post of the Manager to the office of the Inspector-General of Prisons was created and why;

(d) what the duties are of the Manager of the office of the Inspector-General of Prisons;

(e) what the annual cost is of the establishment of the Manager and his staff, if any;

(f) whether the Government have considered the question of retrenchment in the office of the Inspector-General of Prisons;

(g) if so, on what lines, and what the total effect is;

(h) whether the attention of the Government has been drawn to the possibility of abolishing the post of the Personal Assistant to the Inspector-General of Prisons without detriment to efficiency; and

(i) if not, whether the Government propose to examine this question with a view to retrenchment?

A.—(a) From 1st April 1930. To relieve the Inspector-General of Prisons of most of the routine office work which has increased in recent years and to enable him to devote his attention to matters of greater importance.

(b) & (e) The hon. Member is referred to the half-yearly list of non-gazetted officers of the Jail Department and the certified schools. No separate staff has been sanctioned for the Personal Assistant or the Manager.



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(c) & (d) Over sixty years ago; for supervising the clerical and menial establishments of the Inspector-General's office.

(f) Yes.

(g) One temporary clerk on Rs. 35 a month was discontinued.

(h) & (i) The Government do not consider that the post of the Personal Assistant to the Inspector-General of Prisons can be abolished without detriment to efficiency. The Retrenchment Committee has recommended a reduction in the pay of the post and the recommendation is under the consideration of Government.

Mr. BASHEER AHMED SAYEED:—"May I ask when the post of Personal Assistant to the Inspector-General of Prisons was created? Is there any reason for the Government to think that from 1st April 1930 it would not be possible for the Inspector-General to carry on the work without the assistance of a Personal Assistant, although there was already a Manager of the office who was attending to all the duties?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"Government think that both are necessary."

Mr. BASHEER AHMED SAYEED:—"May I know what exactly is the nature of the work that has increased since 1930 to relieve which this Personal Assistant has been appointed?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"The work was increasing not since 1930, but before that."

Mr. BASHEER AHMED SAYEED:—"May I know if up to 1930 the Manager could have managed the whole office of the Inspector-General of Prisons, what exactly was the amount of additional work that justified the creation of the post of Personal Assistant?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"It was because the Manager could not cope with the work that the Personal Assistant was appointed."

Mr. A. RANGANATHA MUDALIYAR:—"May I know if the office of the Inspector-General of Prisons were to be removed from Ootacamund to Madras, the work can be better done and a Manager alone would be sufficient?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I do not know how this question arises out of the answer that I gave."

Mr. A. RANGANATHA MUDALIYAR:—"What I said was that if the office of the Inspector-General of Prisons were removed to Madras, the Inspector-General himself would be better able to attend to his duties and thus there would be no necessity to have a Personal Assistant."

The hon. the PRESIDENT:—"The question is not whether the Inspector-General would be better able to attend to his duties if his office were removed to Madras. That question does not arise out of this motion. It has not been stated that the Inspector-General of Prisons has not been doing his duties properly."

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Mr. A. RANGANATHA MUDALIYAR:—"It is claimed that the work is too heavy and he needs a Personal Assistant to attend to them. May I know what the reasons are for his stationing the office at Ootacamund and whether the removal of the office from Ootacamund to Madras will not give him more time to attend to his duties?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"It is impossible to answer that till the office is actually removed to Madras."

Mr. BASHEER AHMED SAYEED:—"May I know the nature of the additional work that has grown up in recent years?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"Notice."

Mr. BASHEER AHMED SAYEED:—"May I know whether the Government have considered the possibility of further retrenchment by reason of the abolition of some jails in the department? I mean the Central Jail at Alipuram."

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"It is not a Central Jail."

Mr. BASHEER AHMED SAYEED:—"Yes, I corrected myself and said 'some jails'."

Mr. BASHEER AHMED SAYEED:—"May I ask whether the Government have considered the possibility of amalgamating some of the certified schools in the district with the other school at Chingleput, and thereby effecting a retrenchment?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"It is not possible to amalgamate."

*Prevalence of appendicitis among the Civil Disobedience prisoners.*

\* 76 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that a large number of civil disobedience prisoners suffered from appendicitis while in jails in the Presidency since the beginning of this year;

(b) if so, will the hon. Member state (i) their names, (ii) their class, (iii) the jails where they got the attack, (iv) the cause of their disease, (v) what treatment was given to each and where it was given and what the result was in each case; and

(c) what action the Government have taken or propose to take in the matter?

A.—(a) & (b) The Government have no information.

(c) The hon. Member is referred to rules 513-515 B and 573-581 of the Jail Manual regarding the treatment of sick prisoners in jails. The Government do not propose to take any action in the matter.



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Mr. U. C. SUBRAHMANYA BHATT:—" May I know whether it is not a fact that the percentage of patients suffering from appendicitis in the several jails is increasing?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" I am not aware of that."

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I ask the hon. the Law Member whether Mr. Satyamurti, an ex Member of this House, is suffering from appendicitis?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" He is suspected to be suffering from appendicitis. I believe that the medical authorities have not yet come to a final conclusion."

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I know whether the Government would consider the desirability of releasing him or suspending his remaining term of the sentence?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" No such representation has been made to Government."

Mr. U. C. SUBRAHMANYA BHATT:—" May I know whether the hon. Member will be pleased to place the information referred to in clauses (a) and (b)?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" Yes."

*Treatment in the General Hospital of 'A' class prisoners suffering from illness.*

\* 77 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the hon. the Law Member be pleased to state—

(a) when 'A' class prisoners suffer from illness and are sent to the General Hospital for treatment, in which ward they are placed; and

(b) what the cost per head is in the ward in which they are placed then and what the cost allowed for 'A' class prisoners in the jails is?

A.—(a) & (b) The information has been called for.

Mr. U. C. SUBRAHMANYA BHATT:—" May I know whether the information, when ready, will be placed on the table of the House?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" Yes."

*Supply of buttermilk to prisoners.*

\* 78 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that the Government have passed orders sanctioning the grant of buttermilk to prisoners; if so, when was the said order made and communicated to the Inspector-General of Prisons; and

(b) whether the said order has been put into operation and the prisoners in the jails been given buttermilk; if so, since which date are they being supplied with buttermilk?

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A.—(a) The hon. Member apparently refers to the supply of buttermilk to 'C' class prisoners and if so, the answer is in the negative. The scale of diet for 'A' and 'B' class prisoners includes buttermilk or curd.

(b) Does not arise.

Diwan Bahadur M. GOPALASWAMI MUDALIYAR:—"May I ask whether the hon. Member will be pleased to consider the advisability of supplying buttermilk to all classes of prisoners?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I am afraid I cannot give an undertaking to that effect."

Mr. T. C. SRINIVASA AYYANGAR:—"May I ask the hon. Member whether it is as a question of policy or medical advice these 'C' class political prisoners are not supplied buttermilk?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"The 'C' class prisoners are people not generally accustomed to buttermilk."

Mr. T. C. SRINIVASA AYYANGAR:—"May I know whether this conclusion has been come to by the Government on any enquiry or is it merely a *a priori* opinion of the hon. Member and if no enquiry is necessary?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"This conclusion is based upon Government's knowledge of the habits of the people."

Mr. K. KOTI REDDI:—"May I know what authority the hon. Member has to say that 'C' class prisoners are not accustomed to buttermilk in their homes or what is the source of information from which he has come to this conclusion?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"On the general knowledge of Government."

Mr. K. KOTI REDDI:—"May I know whether the hon. Member knows the habits of people in districts other than Malabar?"

Mr. A. RANGANATHA MUDALIYAR:—"If buttermilk could be supplied so that the total cost did not exceed the cost under the present scale, I suppose the Government will have no objection to supply them with buttermilk."

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I have gone into this question and I find that the cost of supplying buttermilk to all prisoners will be about 2 or 3 lakhs."

Mr. T. C. SRINIVASA AYYANGAR:—"Will the Government be pleased to receive contribution from the public or relations for supplying buttermilk to these prisoners?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"No, Sir."

Mr. T. S. RAMASWAMI AYYAR:—"If the Government find that their statement about the need of supplying buttermilk is not correct



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and that the 'C' class prisoners are accustomed to buttermilk, then will they be pleased to supply buttermilk to them?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"That depends upon the information which may be placed before me."

Mr. BASHEER AHMED SAYEED:—"Will the Government be pleased to state if they tried to substitute any other thing for buttermilk without exceeding the cost?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"No, Sir."

Diwan Bahadur M. GOPALASWAMI MUDALIYAR:—"May I know if the Superintendents of Jails have not recommended the supply of buttermilk without any extra cost being incurred?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"They have not."

11-30 a.m. Mr. T. S. RAMASWAMI AYYAR:—"Is it merely the question of cost that has made the hon. the Law Member think that buttermilk is not required for 'C' class prisoners?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"It is not the question of cost alone."

B. POCKER SAHIB Bahadur:—"May I know the reason why the Government is so much opposed to buttermilk?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"Because all the prisoners do not require it."

\* 79 Q.—[Cancelled.]

### Law and Order—General

*Return of the thali belonging to Mrs. Prabhu.*

\* 80 Q.—Mr. SAMI VENKATACHALAM CHETTI: Will the hon. the Home Member be pleased to state—

(a) whether the *thali* belonging to Mrs. Prabhu was returned to her; and

(b) if not, in whose possession it now is?

A.—(a) & (b) The *thali* is in the office of the District Magistrate of Malabar. It has been ordered to be returned on application to Mr. or Mrs. Prabhu who have been informed accordingly.

Diwan Bahadur C. S. RATNASABAPATI MUDALIYAR:—"May I ask the hon. the Home Member whether the Government would return the *thali* to the party concerned without any application from her?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"I am prepared to consider the suggestion."

Mr. U. C. SUBRAHMANYA BHATT:—"Was there any correspondence between the Government and Mr. and Mrs. Prabhu?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"Between the jail authorities and Mr. and Mrs. Prabhu."

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Mr. V. M. RAMASWAMI MUDALIYAR:—"When this matter came up for discussion in this House some months ago, did not the hon. the Home Member promise to consider the question of returning the *thali* to Mrs. Prabhu without any application from her?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"As a matter of fact we asked the Superintendent of the Jail to ascertain from Mrs. Prabhu whether she would take back the *thali*. She said 'no.' Therefore the *thali* is kept there and Mrs. Prabhu can take it whenever she wants it."

*Alleged beating of Kunhambu Adiyodi and P. Raman by the Reserve Police, South Kanara, on 2nd March 1932.*

\* 81 Q.—Mr. U. C. SUBRAHMANYA BHATT: With reference to question No. 1072 answered on 21st March 1932 regarding the beating of Kunhambu Adiyodi and P. Raman on 2nd March 1932 in Kanhangod, will the hon. the Home Member be pleased to state—

(a) whether the Government have received the report in connexion with Dr. Pai's letter regarding the same; if so, what the report received regarding the same is and whether the hon. the Home Member will be pleased to place a copy of the same on the table of the House;

(b) whether the report is merely the statement of the Police or result of any enquiry that has been held; if so, who were the persons examined by the enquiring officer;

(c) whether the hon. the Home Member will be pleased to place on the table of the House a copy of Dr. Pai's letter to the hon. the Home Member together with the certificate of injuries given by the medical officer in charge of the Kanhangod Hospital showing that Kunhambu Adiyodi had received 56 injuries and P. Raman 21 injuries; and

(d) what action the Government have taken or propose to take in the matter?

A.—(a) Yes. The facts as reported by the District Magistrate are as follows. On the forenoon of the 2nd March 1932 a procession consisting of some volunteers and a crowd of about 30 persons went along the road headed by the two volunteers referred to in Dr. Pai's letter, shouting revolutionary slogans and distributing leaflets. They were stopped by the Police and after warning were ordered to disperse. On their refusal to obey, they were dispersed and the two volunteers in question received injuries. The two volunteers then walked to the railway station about three-fourths of a mile away to take train to their homes. Subsequently they returned in a car with Dr. Ganesh Pai between 12 and 1 p.m. and were admitted to the Local Fund Dispensary at 3 p.m. which is the hour at which the doctor comes to the hospital. One was discharged on the second day of admission and the other on the third day.



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As regards the allegations in Dr. Pai's letter, it is not true to say that the crowd began to collect only when the volunteers were stopped on the road by the reserve police. Lathis were not used to disperse the crowd but only canes. There is no reason to suppose that the volunteers were raised and beaten after they fell down on the ground or that they were dragged along the road or were left on the road unconscious about  $1\frac{1}{2}$  furlongs away to the north of the hospital. The volunteers while being caned fell down feigning unconsciousness but within a couple of minutes got up and walked off. They did not want to go to the hospital, so the police did not compel them to go.

- (b) The District Magistrate satisfied himself by enquiry that the report of the incident sent by the police was correct. No public enquiry was made.
- (c) A copy of Mr. Pai's letter is laid on the table. No certificates were given by the medical officer. The accident register shows that the two persons received 49 and 20 contusions respectively.
- (d) Instructions have been issued that no more force should be used in the dispersal of crowds than is necessary to effect dispersal.

Mr. U. C. SUBRAHMANYA BHATT:—"With reference to clause (b), may I know whether the District Magistrate held any enquiry and examined Dr. Pai, the complainant or anybody else?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—

"I cannot say. But I may say one thing that the general conduct of the police in South Kanara is now under enquiry by the Inspector-General. There are also certain cases pending in law courts. When all these are over, Government will consider whether any action is necessary."

Mr. BASHEER AHMED SAYEED:—"Do the Government consider the volunteers receiving 20 and 49 contused wounds, respectively, a reasonable use of force?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—

"Whatever the Government may or may not consider, I have already said that the Government have ordered an enquiry into the matter. When the report is received we will consider whether any action is necessary. In the meantime the District Superintendent of Police has been transferred and we have posted an experienced District Superintendent of Police. Everything is quiet now."

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—"May I know who is going to hold the enquiry and whether evidence will be taken from people who are willing to tender evidence?"

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The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—  
“The Inspector-General of Police is making a departmental enquiry.”

B. POCKER SAHIB Bahadur:—“Will the enquiry be a public one?”

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—  
“It is a departmental enquiry.”

*Alleged beating of picketers on 4th May 1932 at Bezwada.*

\* 82 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the hon. the Home Member be pleased to state—

(a) whether it is a fact that on 4th May 1932 the volunteers who were picketing foreign cloth shops peacefully with national flags in Bezwada were escorted by the sergeant and the police to the Krishna river bund and detained there till about 11 a.m. and then subjected to a severe cane and lathi charge;

(b) whether Balipalli Appalaswami and others who had so received injuries are treated in the Peoples Hospital; if so, whether the hon. the Home Member will be pleased to call for a statement from the medical officer in charge of the hospital regarding the number and the nature of their injuries and place them on the table of the House; and

(c) what action the Government have taken or propose to take in the matter?

A.—(a) to (c) The Government have no information but have called for a report.

Mr. G. SIMHACHALAM PANTULU:—“Have the Government received the information at least now?”

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—  
“No, Sir.”

*Alleged petition to the Collector of South Kanara,  
dated 21st May 1932, regarding police excesses.*

\* 83 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the hon. the Home Member be pleased to state—

(a) whether it is a fact that Mr. K. Sundara Rao, B.A., LL.B., and several others sent a statement or a petition, dated 21st May 1932, to the Collector of South Kanara detailing the excesses committed by the police and the forest guards on the Congress volunteers who went to break the Forest Laws in the Herur Reserve Forest of Coondapoor taluk on 16th May 1932; if so, whether the hon. the Home Member will be pleased to place a copy of the same on the table of the House;

(b) whether the Collector of South Kanara enquired into the said petition; if so, what the result of the same is; and on whose evidence the enquiry is based; and

(c) what action the Government have taken or propose to take in the matter?



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A.—(a) to (c) The Government have no information but have called for it.

*Alleged ill-treatment of forest satyagrahis in Herur forest.*

\* 84 Q.—MR. U. C. SUBRAHMANYA BHATT: Will the hon. the Home Member be pleased to state—

(a) whether on 16th May 1932 one Laxminarayanamurti, the standard bearer of the forest satyagrahis of Herur forest, Coondapoor taluk, was given about ten or twelve blows with the flagstaff which the boy had carried;

(b) whether one Balagone Venkataramana Hebbar who was another of the said satyagrahis was given two blows on the head with cudgel and whether, when his clothes were besmeared with blood resulting from the wounds caused on the head, the police removed all the clothes from his body and took them away; and

(c) whether it is a fact that one Karyavirya Subba and another who accidentally happened to come to the said place of forest satyagrahis was beaten and whether the former's clothes were also removed and torn?

A.—(a) to (c) The Government have no information but have called for it.

*Alleged arrest of forest satyagrahis in Herur forest.*

\* 85 Q.—MR. U. C. SUBRAHMANYA BHATT: Will the hon. the Home Member be pleased to state—

(a) when were the 23 forest satyagrahis arrested for satyagraha in the Herur forest in Coondapoor taluk on 16th May 1932 and when were they charged or released;

(b) whether they were given any food on 16th May 1932 when they were in Kirimanyeswar school or later in the night when they were brought to the Baindur lock-up;

(c) whether the police gave them any food between the 17th and 20th May 1932 when they were in Baindur lock-up;

(d) whether any medical assistance was given to the satyagrahis; if so, when;

(e) whether it is a fact that as the police did not give them any food the people of Baindur, out of pity, served food to the arrested prisoners in the Baindur lock-up between the 17th and 20th May 1932; and

(f) what action the Government have taken or propose to take in the matter?

A.—(a) to (f) The Government have no information but have called for it.

MR. U. C. SUBRAHMANYA BHATT:—"When the Government receive the information, will they be pleased to place it on the table of the House?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—

"The suggestion will be considered after we receive the report."

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**Police**

*Number, nature and disposal of complaints against police officers.*

\* 86 Q.—MR. SAMI VENKATACHALAM CHETTI: Will the hon. the Home Member be pleased to state—

(a) the number, nature and disposal of complaints against policemen or officers with their names and designations either to the department or to the courts of justice by private individuals in the years 1931 and 1932 till the month of June; and

(b) the occasions when judicial officers of the Government have criticized or animadverted on the action of particular police officers and the action which the department or the Government have taken on those officers?

A.—The information is not available. It will take time and involve much labour to collect the information as a large number of officers must be addressed.

*Police help to the Zamindar of Udaiyarpalayam.*

\* 87 Q.—MR. V. T. ARASU: Will the hon. the Home Member be pleased to state—

(a) whether it is a fact that a posse of thirty reserve constables were stationed in the Udaiyarpalayam zamindari for about a fortnight in the month of June last;

(b) whether they were going about the villages of the zamindari accompanied by the zamindar's band and the zamindari officials, striking terror into the hearts of the ryots;

(c) the reason or reasons which prompted the District Superintendent of Police to extend this kind of help to the zamindar; and

(d) whether the zamindar has made any contribution to the Government for this help which they have been pleased to render him, and if so, how much?

A.—(a) to (d) Government have received a report from the District Magistrate of Trichinopoly to the effect that Police assistance was given to the Zamindar of Udayarpalayam in June last during the collection of rents from zamindari tenants, but that no force was used by the Police party. Further information on the points raised has been called for.

MR. V. T. ARASU:—"May I know when the police force in this Presidency was transformed into an agency for the collection of the kists of the zamindar?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—

"There has been no such transformation. In this case the District Collector thought that the zamindar was entitled to police aid and he was given it."

MR. V. T. ARASU:—"On what grounds did the District Collector think that the zamindar was entitled to police aid?"



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The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—  
 “As I have said, I have given all the information that I have.  
 I shall call for further information.”

Mr. V. T. ARASU:—“What are the special reasons that have led the District Collector of Trichinopoly to be so very much obliging to the zamindar?”

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—  
 “I shall enquire.”

Mr. V. M. RAMASWAMI MUDALIYAR:—“Is it the policy or the intention of the Government to give such police aid to any person who desires to collect his rent from his ryot or tenant?”

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—  
 “I have nothing to add to what I have already said.”

Mr. BASHEER AHMED SAYEED:—“May I ask whether the Government are aware that the relationships between the Zamindar of Udayarpalayam and his tenants are strained and whether they will take steps to make them more cordial?”

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—  
 “I am afraid I cannot answer the question.”

Mr. BASHEER AHMED SAYEED:—“Will the Government be pleased to appoint a committee to go into this question of the relationship between the zamindar not only of Udayarpalayam but of other zamindars also and their tenants?”

The hon. the PRESIDENT:—“That does not arise.”

### UNSTARRED QUESTIONS

#### Agriculture

#### *Cattle breeding stations in the Presidency.*

88 Q.—Mr. K. SINGAM AYYANGAR: Will the hon. the Minister for Public Works be pleased to state—

(a) whether the Government are aware of any cattle breeding institutions working in the Presidency; and

(b) if so, their names and addresses?

A.—(a) & (b) There is a Government Cattle Farm at Hosur. There is also a well-known private cattle breeding farm at Palayakottai in the Coimbatore district belonging to the Pattagar of Palayakottai.

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# **Famine Insurance Fund**

## *Utilization of the Famine Relief Fund.*

89 Q.—Diwan Bahadur M. GOPALASWAMI MUDALIYAR: Will the hon. the Member for Finance be pleased to state—

- (a) what the amount available is under the Famine Relief Fund;
- (b) whether the Government will place on the table the reply received to the communication addressed by them to the Government of India about utilizing the Famine Insurance Fund; and
- (c) whether the difficulties in the working of the Famine Code were ever brought to the attention of the Government of India?

A.—(a) According to the latest information available the balance in the Famine Relief Fund on the 31st March 1932 is Rs. 54.58 lakhs.

(b) No communication was addressed by this Government to the Government of India about utilizing the Famine Relief Fund.

(c) The Government do not know what the difficulties in the working of the Famine Code to which the hon. Member refers are.

[Note.—An asterisk (\*) at the commencement of a speech indicates revision by the member.]

## **II.—HOUSE COMMITTEE.**

\* The hon. the PRESIDENT:—“I have to inform the House that the following eight candidates were nominated for election to the House Committee:—

- (1) Mr. Abdul Hameed Khan.
- (2) Mrs. K. Alamelumangathayaramma.
- (3) Mr. V. T. Arasu.
- (4) Mr. A. V. Bhanaji Rao.
- (5) Mr. F. G. Luker.
- (6) Mr. M. A. Muthiah Chettiyar.
- (7) Mr. K. A. Nachiyappa Gounder.
- (8) Mr. T. Sundara Rao Nayudu.

“Of these Messrs. V. T. Arasu and F. G. Luker have withdrawn their candidature.

“As the remaining number of candidates nominated for election is equal to the number of vacancies to be filled, namely, six, I hereby declare them duly elected.

“In addition to the above I nominate under Standing Order 84—

- (1) Mr. F. G. Luker
  - (2) Mr. H. M. Jagannatham
- to be Members of the said Committee.

“The Deputy President is ex officio Chairman of the Committee.”



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## NON-OFFICIAL BUSINESS.

## Bills.

## III.—THE TIRUMALAI-TIRUPATI DEVASTHANAMS BILL.

\* Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" Mr. President, I beg to present the 'Report of the Select Committee on the Tirumalai-Tirupati Devasthanams Bill (Bill No. 15 of 1931) and move—  
' *that the Bill, as amended by the Select Committee, be taken into consideration*'."

Mr. R. MADANAGOPAL NAYUDU:—" I second it."

\* Mr. BASHEER AHMED SAYEED:—" Sir, at the outset I must apologize for giving the impression that I am intent on postponing all matters to the next meeting of the Council. But when I am able to show to the House that sufficient time has not been given for a proper consideration of such an important measure as the one now before the House, I am sure they will agree with me that I am doing the right thing when I move the adjournment of the consideration of this Bill. I have often been told in private that I, as a Mussalman, have nothing to do with the Tirumalai-Tirupati Bill. It is true that I am not a visitor to that temple or a devotee of the deity there; it may be that I have no religious interest in the administration or the mal-administration of the devasthanams and its endowments. But all the same I have my responsibility as a Member of this House and I have my own ideas as to how religious endowments ought to be administered generally. I would be failing in my duty if I did not bring home to hon. Members that any hasty or hurried legislation will not ultimately prove beneficial to the interests that are sought to be served by it. Of course the Select Committee took a long time over the Bill and at one time it was rumoured that owing to several difficulties the Bill could not be taken up in this Council. Several of us ignored the rumour but belief in it was strengthened by the fact that notice of motion for consideration of the Bill was not given till a few days ago. That being the case several of us interested in this measure have not been able to devote sufficient time and attention to this important Bill. It is a complicated Bill and it seeks to bring into existence a machinery the implications of which are far-reaching. It encroaches on the rights of the present trustee and brings into existence various committees for managing the devasthanams. In some cases their jurisdiction is co-extensive or co-terminous, I cannot say which. The Bill has been before us only for three or four days. Nothing will be lost by postponing the consideration of this measure for a month or two, especially in view of the bitter experience we have had of hurried legislation in the past. Hon. Members who are anxious to get this Bill through can at any time apply to His Excellency through the hon. the Chief Minister and have a special meeting of the Council to consider this question. The fact that hon. Members of this House have not had sufficient time to study this subject is shown by the fact that there



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is not a single amendment to the motion now before the House. Are we to take it that the measure as it has come out of the Select Committee is so satisfactory to all the parties concerned that they have not thought it necessary to amend it? Is it as perfect as the law of Solon of olden days and should be passed into an Act straightaway? Besides, I am not sure that the Government themselves are prepared to take the Bill into consideration. I doubt very much whether the hon. the Chief Minister in the midst of his various duties has been able to devote the necessary time and attention for this question. For these reasons I move—

*‘that the consideration of this Bill be adjourned to the next meeting of the Council or to some date which may be fixed for the purpose by His Excellency.’*”

MR. T. S. RAMASWAMI AYYAR:—“Sir, I beg to second the adjournment motion. In doing so I desire to point out that we have had bitter experience of hurried legislation in the past. Only now we are trying to remedy the defects in the Motor Vehicles Taxation Act. These defects would not have crept in if we had been careful in the beginning not to rush the Bill through. Even the Hindu Religious Endowments Act is defective. It was only yesterday that the hon. the Chief Minister admitted that it was not possible to give effect to various clauses in the Act where district committees could not function. And for want of finance district committees could not be formed. We wanted some legislation and we got it. We created a few bodies here and there. It is not as though we considered the subject well and passed a Bill to deal with the matter. If hon. Members are sure that the Bill, as it has come out of the Select Committee, is so perfect that there is no need to touch it, if they are unanimously of that opinion, then I think it would be right to pass it at once. As the hon. the Mover of the adjournment motion pointed out there is no amendment on the paper and can it be taken to show that the Bill has attained such a perfect shape in the hands of the Select Committee that it is not necessary to change one syllable or one word in it? I cannot imagine that this House could have come to such a unanimous conclusion on a matter on which there was so much controversy only the other day when the Bill was introduced. I therefore feel strongly that, unless the House felt there was no need to touch the Select Committee's report, the consideration of the matter should be adjourned.”

\* The hon. the PRESIDENT:—“The question is that the Tirumalai-Tirupati Devasthanams Bill as reported on by the Select Committee be adjourned to the next meeting of the Council or to some date which may be fixed for the purpose by His Excellency.”

\* Rao Bahadur Sir A. P. PATRO:—“Mr. President, Sir, it seems to be the peculiar privilege of the hon. Mover of this motion, to ask always for the adjournment of any proposal coming before this House. He is an advocate and he knows special pleading, and he could put forward plausible grounds. Nevertheless, he has not been able to make



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out a case for himself. I am sure that, if he searches his heart, he will find that there is no ground for making this motion. I can account for his motion in one way; he is a very busy lawyer and he might not have had sufficient time to study the details of this Bill. Hon. Members know that this Bill passed through the Select Committee several weeks before and every one knows that the Select Committee has submitted its report. It is a unanimous report. It is singular and striking that there has not been any minute of dissent on the Bill from any Member of the Committee. The only note which the hon. Member, Mr. Koti Reddi, has made is a suggestion or improvement of detail and it does not affect the principles of this Bill or many details of this Bill. The fact that it has to be pleaded and advocated by a staunch Mussalman that this is a complicated measure (a measure affecting Hindu customs, Hindu rights and Hindu religious endowments) is really worthy of notice. The hon. Member, Mr. Basheer Ahmed, has the reputation of being a very staunch Mussalman. Apparently the hon. Member has begun to take interest in Hindu religious endowments as he was thoroughly ignorant of the administration or the ceremonials or functions of these endowments. We must sympathize with the hon. Member. He takes very keen interest in any matter coming before him. He has had sufficient time to manifest his great interest in the cause of Hindus and in the management of Hindu religious endowments. The hon. Member may be satisfied with his arguments, but I think the other hon. Members of the House are not. One of the arguments urged by him was that no notice of amendments to this Bill has been given, in spite of the publication of the Report of the Select Committee. The very fact that hon. Members who take great interest did not deem it necessary to send a dissenting minute shows that this Bill does not at all require any further consideration. I said, the hon. Mover himself is not convinced of his position. But he, as a Muslim Member of this House, consciously feels that a measure affecting Hindu religious endowments should not be carried through without further consideration by him.

"The hon. Member who seconded this motion repeated the arguments of the hon. Mover and said that this House is guilty of hasty legislation in the past; he pointed out the instance of the Motor Vehicles Taxation Act. If I were in his position, I would not have given this instance. It is not fair to say that the Motor Vehicles Taxation Act was not well considered. This Bill, before it became an Act, was before the country for several months. We all realize now that there have been practical difficulties in the actual working of the Act and therefore we want further modifications and further changes. There was nothing like hasty legislation in the matter of the passing of that Act. It was fully considered by all persons interested in the Bill and after full discussion in this House that Bill was passed into law. When the hon. Secunder cited this instance, he gave up his case entirely. There is absolutely no reason for saying that this is a case of hasty legislation. I would remind the hon. the Secunder of this motion that in the case of the Motor Vehicles Taxation Act,



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there were many amendments running to several pages. Although that Bill was fully considered, some hon. Members feel now that there are some defects in the actual working of the Act and they want to remedy them. I understand that the Local Self-Government Advisory Committee desire that that Act should be amended. The Tirumalai-Tirupati Devasthanams Bill has been before the public for a very long time and it has been considered several times. This Bill has come before the House from the Select Committee and I think that the time is ripe for the consideration of this Bill."

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—"Sir, I beg to move an amendment to the motion of my hon. Friend, Mr. Basheer Ahmed. It runs as follows:—

*'Delete all words after the word "adjourned" and insert the words "to another available non-official day during this meeting of the Council as the first item".'*

"My reason for proposing this amendment is this. There is a feeling among some hon. Members that they have had no time to consider this important Bill. If it is indefinitely postponed, I think it will not satisfy all the Members of the House. Hon. Members desire that this Bill should be considered as quickly as possible. The Select Committee has gone into the Bill, and submitted its report, and we are anxious that this legislation should be placed on the statute book. I think that it will give general satisfaction—and I think my hon. Friend, Mr. Basheer Ahmed, would also agree—if one or two days' extra time is given so that hon. Members will have time to study the Report of the Select Committee and to give notice of the necessary amendments, which would, in their opinion, perfect the measure and which would make the Bill acceptable to the House. I hope that this amendment of mine will receive general acceptance."

Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—"I second the motion."

\* Mr. A. RANGANATHA MUDALIYAR:—"Sir, I should not object to the Bill being taken up day after to-morrow. I only want that we should be sure of the work being finished. Supposing that, for any reason, we are not able to finish the consideration of the Bill on that particular day, may I know, whether the Government would be so good as to allow the Bill to be taken up on the following day, so that we might finish the consideration of the Bill at this sitting? Otherwise, we would be putting off the Bill indefinitely as we heard yesterday that there will be no meeting of the Council till November. I think it is hardly fair either to this House or to the public that the consideration of this Bill should be indefinitely put off."

\* The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"Sir, His Excellency has allotted two days for non-official business. I think that it is better that we should finish the consideration of this Bill as early as possible. I do not think there is any possibility of any other non-official day being allotted."



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MR. ABDUL HAMEED KHAN:—"Sir, in supporting the amendment moved by my hon. Friend, Mr. Arogyaswami Mudaliyar, I wish to say that this Bill had a very chequered career. The report of the Select Committee had a very chequered career in the Secretariat and we did not know that this report will be placed before the Council during this session, till yesterday. It seems that the Secretariat was not quite sure whether certain sections of the Bill required the sanction of His Excellency the Viceroy or not. I do not know whether the Secretariat was right or not. On account of that fact, it was not possible for your office to include this item in the agenda early enough . . ."

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noon.

\* The hon. the PRESIDENT:—"I wish to correct the hon. Member. A notice was circulated on the 12th July to hon. Members that this item would be included in the list of business. I do not think the hon. Member is correct in saying that no notice was given to hon. Members from the Legislative Council office. It was also included in the list of business issued yesterday—the only list of business issued for to-day."

MR. ABDUL HAMEED KHAN:—"Subsequent to the date of issue of notice, dated 12th July, it was considered that that notice was not valid notice, because the Secretariat was of opinion that the consent of His Excellency the Viceroy was necessary to certain clauses of the Bill. On account of that fact, the Council office had to withdraw this item of business. This item was not included in the agenda issued subsequent to 12th July. This was sprung upon the House yesterday."

"Only yesterday it was sprung upon this House suddenly. And what surprised me most was how items which come later take precedence in the agenda. As a matter of fact, we received a printed agenda in which we did not find this item. This item was given to hon. Members of this House on a typed sheet, and to-day I find that it takes precedence over other measures which occupied the first places on the agenda . . ."

\* The hon. the PRESIDENT:—"May I inform the hon. Member that matters which have gone through the Select Committees and which are ripe for consideration by this House are placed first on the agenda and that as this Bill has gone through the Select Committee and the Select Committee's report is available, and therefore ripe for consideration, it is placed first on the agenda before this House? There was no agenda issued before yesterday. And this item was included in that agenda. It is not an item which is subject to the rules as to ballot."

MR. ABDUL HAMEED KHAN:—"Even in such circumstances, I thought the report on the Medical Registration Bill would come first and this Bill would come later; but I see that somehow or other this has been given precedence over even that Bill."

\* The hon. the PRESIDENT:—"These Bills are earlier Bills in point of date. So under the Standing Orders, they get precedence."

MR. ABDUL HAMEED KHAN:—"Anyhow, apart from that, Sir, there is a feeling in the House that this measure should not be hurried through. Certainly, we are prepared to see that it is passed in this sitting of the House; but we do not want to have any dilatory motion



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in order to see that this is put off indefinitely. We want to see that it is passed; but at the same time, Members of the Select Committee and Members of Government will kindly admit that we, as Members of this House, should also have an opportunity to go through the report fully before we are asked to give our votes one way or the other.

"Then, Sir, I cannot understand the attitude of the Government in this matter. If they really believe that this is a very very important measure and that it should not be put off to a later date or indefinitely, the Government should come down and say, 'we shall give one more day.' I cannot understand the attitude of Government with regard to this measure. Either they do not think it is an important measure, or they should be prepared to get it through by giving us another non-official day. Therefore, Sir, I heartily support the adjournment motion and I believe hon. Members of this House will not overlook the fact that there are Members in this House who were not in a position to go through the report before to-day as they were not sure that this Bill would come up before this House in this meeting, and that at least a day's time should be given to them so that they may come prepared to give their vote either this way or that way, honestly and properly."

\* Mr. K. KOTI REDDI:—"Mr. President, Sir, I oppose this adjournment motion. I wish the Government were in a position to allot one more day; but since we are not assured of that, it seems to me that it is better we go on with the Bill immediately. Sir, I am one of those who have given notice that this Bill should be taken up to-day. Certainly, we are not anxious to rush through this Bill, but when we see that the Select Committee's report is practically unanimous—there was only a minute of dissent by me which does not go into the principles of the Bill but deals with a matter of detail—and that the Council has had an opportunity of going through it to-day and considering any amendments that might be given notice of—in fact I find that no amendments have been so far tabled—Members should have taken it for granted that this Bill would be taken up for consideration at this meeting. It is not a fact that most of the Members are not aware of what is being done with the Bill; they should certainly have studied the bill and sent in their notices of amendments. Seeing that there are no such notices, I really thought that the Bill as amended by the Select Committee would be taken up for consideration and that there would be no difficulty in getting it passed. We all know, Sir, this Bill has been hanging on for a very long time. The public were very much dissatisfied with the administration of this temple, and it took a very long time for the private Members of this Council to give notice of this Bill. For a long time we were thinking that the Government themselves would take steps to reform the administration of this temple; but seeing that the Government did not take any steps, the non-official Members had to come in with their Bills. The Select Committee took evidence and received some memoranda on this matter. I do not know how many times the Select Committee sat, but they sat a number of times and after so much delay and consideration, they have made this



[Mr. K. Koti Reddi]

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report. The result is that the Bill has been amended to a very large extent. I do not think we are really rushing through this Bill now; but if we postpone it now, the public who have been all along eagerly and anxiously waiting to see some reform carried out in the temple administration, will be dissatisfied. I think we will be serving the public interests if we see that this Bill is taken up straightaway now and considered."

\* Mr. M. A. MANIKKAVELU NAYAKAR:—"Mr. President, Sir, I must emphatically repudiate the suggestion made by certain hon. Members that this particular piece of legislation is being hurried through. As a matter of fact, this legislation is rather very slow and gradual. That is my grievance. If I place certain facts about it before the House, it will be clearly seen how gradual the progress of this legislation has been. The Members of the Select Committee were appointed on the 31st October 1931, and the Select Committee first met on 3rd November 1931; again they met from 11th to 15th December 1931 and then on the 5th, 7th and 8th January 1932. Finally, they met on the 4th July 1932 and made their final report. The report, Sir, as amended by the Select Committee, was published in the *Fort St. George Gazette* about two or three weeks ago. Therefore, Sir, it cannot be suggested that this legislation is being rushed through.

"With regard to the suggestion made that there was some difficulty in the matter of getting the sanction of the Governor-General of India, I may state that the movers of the Bill applied through the Local Self-Government Department of this Government to the Government of India for the sanction of the Governor-General for a particular clause and for the Bill as a whole as amended by the Select Committee. I understand that intimation was received from the Government of India yesterday that sanction has been given for the whole Bill as amended by the Select Committee. So, Sir, there is no difficulty as to the question of sanction by the Governor-General. I do not think that any objection can be raised on this account. But owing to some misapprehension or mistake, this subject was sought to be taken off the agenda. Soon after the mistake was found out, this subject was placed on the agenda. The Bill has been before hon. Members of the Council for a sufficiently long time, and if any hon. Member was interested in the Bill, he could have sent in his amendments, because he had ample time. As a matter of fact, in the case of other Bills, amendments were handed over even on the very day the Bill was taken up for discussion. So, I do not see any reason why that objection should be trotted out now.

"Then, with regard to the adjournment motion, Sir—both the adjournment *sine die* and adjournment to the next non-official day—I may say that if the Government will assure us that they will certainly give us sufficient time to see that the Bill is passed, I have no objection to an adjournment for a short period; but if that assurance is not forthcoming, I must say that we must proceed with the Bill now, because it is only fair to this House and to the public at large that we should do so."



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\* Mr. SAMI VENKATACHALAM CHETTI:—"Mr. President, Sir, as a Member of the Select Committee, I feel no hesitation whatsoever in saying that the Bill should be taken up for consideration at once. But I must complain against the manner in which this business is rushed. Till yesterday we had absolutely no inkling of the probability of this Bill coming up for consideration to-day. I agree there has been a notice given to hon. Members of this House that this will be one of the items for this meeting; but subsequently, news appeared, which was not contradicted—and I dare say that that news must have emanated from one of the departments—that the Bill would not be taken up now on account of some technical objections, viz., that the sanction of the Government of India was necessary. No contradiction was made of that news, and I suppose you cannot complain against hon. Members if they took that news to be authoritative. That news was further corroborated by the fact that in the agenda paper originally drafted, there was no mention of the Tirumalai-Tirupati Devasthanams Bill being taken up now. It was subsequently that a roneoed paper was attached to the printed agenda. This also shows that the department concerned was not so sure that this Bill would be taken up to-day, and so hon. Members have not sent in amendments. Now Government would not agree to extend this meeting by a day to see to the passing of this Bill. That is only in conformity with their attitude not to allot sufficient time for transacting non-official business. But that apart, if the hon. the President would be willing to suspend the Standing Order with regard to notice of amendments, having special regard to the fact that the Government would not give another day for this purpose, we have no other alternative left but to go on with this business."

Mr. T. S. RAMASWAMI AYYAR:—"Sir, speaking on the amendment of my hon. Friend Mr. Arogyaswami Mudaliyar, I would like to draw the attention of the House to the changes that have been made in the Select Committee. The hon. Member for Ganjam referred to the fact that it was such a good measure, that it had the unanimous support of the Select Committee and that it comes to this House as a measure which ought to be accepted without any discussion, as it were. And in support of that, he said that the fact that there were no amendments given notice of, showed that the Bill was a very good one. May I draw the attention of the hon. Member for Ganjam to the Bill as it was originally introduced in this House and to that as amended by the Select Committee? I would ask the hon. Member for Ganjam and other hon. Members of this House if they can see the original Bill in any form after it emerged out of the Select Committee. I find from the Bill of the Select Committee that the changes made are so great that the big pica printing that is used for denoting changes occupies almost the whole of each and every page. You will find that very few lines or perhaps very few words even, are the same as they were in the original Bill. Does it show that the Select Committee has agreed with the views of the Council at the time the Bill was originally brought before this House?"

Rao Bahadur Sir A. P. PATRO:—"The whole Bill has been properly drafted."



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Mr. T. S. RAMASWAMI AYYAR:—"So much wisdom has now been claimed for the Select Committee that it is said that the Select Committee's improvement of the Bill is so great that the Bill as originally drafted and introduced in this House cannot be recognized in its original form at all after it emerged from the Select Committee. Does it show that the framers of the Bill badly drafted it then and that, therefore, it could not be passed by this House as it was? We also see from the speeches of the hon. Members who sat in the Select Committee that it is a case of out-heroding Herod. They say, they are very anxious that the Bill should be got through and that no further notice is necessary. Perhaps, so far as they are concerned, no further notice is necessary because they were Members of the Select Committee posted with all the information; they attended the Select Committee meetings and knew what the Bill is in its present form. But, can they not give credit to other Members when they want to find out what the changes are and whether such changes are for the better or for the worse? It is not my object here to stand up on behalf of a dilatory motion. I am as anxious as every other Member of this House that this Bill, when once it has come before this House after going through the Select Committee stage, should receive early consideration. But what I am surprised at is that no chance is given to hon. Members to study the subjects before they are passed. I refer to the passing of another Bill. It was only yesterday I think that because we had not enough time and the Council was not likely to meet before November or December, we were perforce obliged to come to a decision on the Orissa Report. It is a question of our being asked: 'now or never; when things are placed before you, give your decision immediately; it may be wrong or it may be right, but we want an immediate decision.' I would ask hon. Members whether that is the right attitude which a Legislative Council should take, especially after the experience we have had in respect of other Bills. It should not be difficult, with due deference to the hon. the Leader of the House, for us to get another day. After all, the Legislative Council is anxious to do its duty, and if we ask for a day's adjournment, it is not because we want to put off things indefinitely. We are anxious that the Bill should be considered fairly and well and that the considered decision of the Legislative Council should be given. Why this unseemly hurrying through and then finding out that we have gone wrong? After all, one or two days' postponement is not going to affect the merits of the Bill."

12-15  
p.m.

AHMED MIRAN SAHIB Bahadur:—"Mr. President, Sir, I move—  
*'that the Tirumalai-Tirupati Devasthanams Bill, as reported by the Select Committee, be circulated for public opinion.'*"

The motion was duly seconded.

\* The hon. the PRESIDENT:—"The motion is—

*'that the Bill, as reported by the Select Committee, be circulated for public opinion.'*

"That motion also is now for discussion."

\* Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"Sir, I oppose this motion as well as the other motion for adjournment that



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the Bill be taken up at the next meeting or to have it taken up in February or March. As it is, it is very unfortunate that such amendments should have been moved from the other side by prominent members of one community. It so happens that this motion for adjournment was moved by Mr. Basheer Ahmed and seconded by Mr. Hameed Khan (Voices: No, no, by Mr. T. S. Ramaswami Ayyar). Then, Sir, this motion for circulation for eliciting public opinion has been moved by another member of the Muslim community. We, most of the members of the Hindu community, have got considerable misgivings that if this is not taken up immediately there is every danger of the measure being postponed indefinitely. I strongly urge that this Bill should be taken up immediately. As hon. Members of the House know, we have taken evidence also at great length on this measure and as my hon. Friend Mr. Manikkavelu Nayakar pointed out, it is also noted in the report of the Select Committee. So, it cannot be said that it is being rushed through. On a perusal of the report of the Select Committee, it will be clear that the Committee sat for a number of days and it was presided over by no less a person than Rao Bahadur T. A. Ramalingam Chettiyar. I appeal to every Member of the House to take up this question immediately."

\* MR. BASHEER AHMED SAYEED:—"Sir, I do not want that hon. Members of this House should misunderstand the attitude taken up by certain sections of this House. When it is remembered, as Members of this House, every Member—I believe hon. Members on the opposite side of the House will concede—has a right to have recourse to all ways and means provided for by the rules and the standing orders governing the procedure in the Legislative Council, to see that when any Member of any section thereof feels that great injustice is likely to be done to a cause by hurried legislation of this kind for which there is no urgency pointed out so far, I do not think that there is any justice or fairplay on the part of hon. Members who oppose on the ground that the motion for adjournment or for circulation to elicit public opinion is moved by any motive or for other reasons. On the other hand, the Bill that was before the Select Committee is not the Bill that is now before the House. That would be very patent on a mere perusal of the report of the Select Committee and the Bill as reported upon by the Select Committee. It was within the province of the Select Committee, no doubt, to consider the principles that have been subscribed to by this House, and consistent with the principles that have been agreed to by this House, to so amend or alter the various clauses of the Bill as to carry out the intentions of the Legislature when the original Bill was sent on to the Select Committee.

"Now, Sir, I ask whether hon. Members will be able to say that the Bill and the principles as were referred to the Select Committee are the same as they are now? Not in the least. Every clause has undergone a change not merely in the form but in the substance and in the spirit. I do not think that the Select Committee had any justification in changing the principles that were subscribed to by this House. On the other hand, they should have kept themselves



[Mr. Basheer Ahmed Sayeed] [3rd August 1932]

in accordance with the principles that were agreed to and subscribed to by this Council and not gone about making changes as they have done. Even supposing for a moment that the Select Committee has carried out the principles that were agreed to by this House, I would only ask hon. Members whether it is not fair or reasonable that time should be given for public opinion to settle on the great issues that have been raised in this Bill.

"The Select Committee have, in section 1, stated that they have extended the principles of this Bill to the educational institutions specified in Schedule II. That was not the object of this Council at all when the Bill was referred to them and now when such an important extension has been made, is it not fair that the public also should have sufficient time given to them in order to settle its opinion on a question like this? Again, Sir, if you go through the second sub-clause of clause 2 of the Bill, it says that the Tirupati Devasthanams Schools Act of 1914 is hereby repealed. This was not originally included in the Bill that was referred to the Select Committee. Then again, Sir, there are various other variations from the original Bill. For instance, the constitution of the Committee has been thoroughly changed and that was not exactly the purpose with which this Bill was brought into existence before it was referred to the Select Committee. If you go through the other clauses, you will find that the whole Bill has been altered to the very foundations. Even granting that it was right, why not the public and those other bodies which are interested in a legislation of this kind be given an opportunity to express their opinion on the various alterations made by the Select Committee?

"After all, Sir, what is the time that has elapsed between the republication of this Bill and its introduction to-day for being taken into consideration? Not even a full month has elapsed since the Bill was republished. I would therefore say that at least now, if hon. Members, who are really representing constituencies to which they hold themselves responsible, are going to do justice to their constituencies, it is but right on their part that the public should be allowed an opportunity to express what exactly their opinion is on the drastic changes made in the Bill by the Select Committee.

"So far, to my knowledge, nothing seems to have taken place in connexion with this amended Bill in any public meeting or association or by any public body. But there is no material to show that the public has taken into consideration the Bill as reported upon and amended by the Select Committee. In the absence of any opinion from the public, it is but reasonable that this Bill should be circulated for eliciting public opinion and after that we should take the Bill into consideration and nothing will be lost until that is done. After all, this is an important measure seeking to restrict the liberties of certain people, seeking to nullify the various schemes, seeking to reconstitute the whole administration and attempting to do so many other things. So, the public have every right to say what they have to



3rd August 1932] [Mr. Basheer Ahmed Sayeed]

say on the Bill, and the only method by which public opinion can be elicited will be by deferring the consideration of this Bill."

\* Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—"Mr. President, Sir, I am sorry that a motion like this should have been brought forward by my hon. Friend Mr. Basheer Ahmed to adjourn the discussion of this matter and also that he should have thought it fit to support it by reference to high principles which, to my humble intelligence, do not seem to apply to this case. Sir, this is a Bill which evoked a lot of attention in the country and up to almost the day on which we published the report of the Select Committee, there were meetings and representations sent by various people and by various other associations. If I remember aright, even at the last meeting of the Select Committee, we received some representations with reference to what ought to be put in the Bill, but the moment the Select Committee reported and the report was published in the papers, there was no sort of representation, no sort of public agitation and no sort of protest anywhere. If this means anything, it can only mean that in spite of the very strong and very widespread interest the matter evoked, this Bill as amended has met with approval of most of the people concerned and that is why we have not heard any protest or representation of any sort with reference to the Bill after the report of the Select Committee was published. The report of the Select Committee and the Bill, as amended by it, were published in the Gazette on the 12th July and it is now three weeks since its republication. (Mr. Basheer Ahmed Sayeed: Is that enough?) Sir, during all these three weeks, I have been noting whether there was any reference to the Bill as amended by the Select Committee either in the papers or in any proceedings of any meetings which have been held. On the other hand, it is a matter of some gratification that our labours in the Select Committee have met with the general approval of the people and that there is not even correspondence in the papers attacking the provisions of the amended Bill. Such being the case, for anybody to come to the Council and say, 'this is a very important Bill, it has gone through several amendments in the Select Committee, and so its progress ought to be adjourned again,' seems to me to talk without brief. If really there were some objections raised by people elsewhere and if any Member comes to the House and says, there have been objections to the Bill and that the House should consider all of them, I can quite understand the position, but when there is absolutely no sort of protest or objection in the Press or on the platforms with reference to this Bill as amended, for a Member to come and say 'I failed to read the Bill, not because notice was not given to me about it, not because the Select Committee report and the amended Bill were not circulated to me, but because I was under the impression that on account of something which appeared in the Press that the Bill may not come up before this meeting and on that account it ought to be postponed' seems to me is not a fair way of asking for the postponement of the Bill. Sir, in view of what some of the Members said that they were misled by something that appeared in the papers and that they might not have read the Bill and the



[Mr. T. A. Ramalingam Chettiyar] [3rd August 1932]

report of the Select Committee, I thought the Government might have consented to allot some more time and allowed the Bill to be taken up to-morrow, but seeing the attitude of the Government and seeing that they are not prepared to give another day if necessary for the consideration of the Bill, I think we have to press the original motion (Mr. Abdul Hameed Khan: 'Is the Opposition to swallow that?') Whether you swallow it or not, nothing can be done. We know the Government is unreasonable, but that is no reason why we should not go through the Bill. Sir, this measure has been before the country for the last 15 months and such being the case, I do not think we will be justified in postponing its consideration still further, in this case, for three months more. This is practically the chief work for this session if I can see aright, and we will not be justified in postponing it altogether. For these reasons, I support the original motion for taking this into consideration and oppose the motion for adjournment."

12-30  
p.m.

\* The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—"Mr. President, Sir, this is a Bill which has been given notice of by Members on both sides of the House. In the Select Committee also, all the parties have been represented and particularly the Hindu section have been unanimous, as also my hon. Friend Mr. Yakub Hasan and Mr. Yahya Ali who also participated in the Committee. Two days have been allotted by His Excellency for non-official work and it is more than sufficient, as is evident from the Bill itself, when both sections are agreed to the provisions of it, to get through the Bill in two days. I should even consider one day is sufficient. The objection taken, namely, that Government are unreasonable in not giving another day is, I think, not justifiable. (Laughter.) (Mr. Basheer Ahmed Sayeed: It was not intended against you.) Far from it, if only the non-official Members would agree to see the Bill passed, I cannot see why it cannot be passed in one day, or at the most two days. And if that too is not found enough it might be taken on another non-official day. I see there is unanimity of opinion in this House that the Bill should be taken up in this sitting itself. So, I don't agree to the adjournment of the consideration of this Bill."

\* Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—"Mr. President, the amendment that I proposed was not with a view to postpone the Bill indefinitely, but only to see that the opinion of the House is given adequate expression in this matter. If the matter is one of choice, I should prefer to take up the Bill immediately. I think Government are not reasonable in not giving an extra day, if necessary. In fact this Bill might become a controversial measure although there is unanimity with regard to its being taken up immediately, for it might easily provoke a great deal of opposition. So I am not sure whether one day would be sufficient. Even two days might not be sufficient. I think the distinction made between official days and non-official days, and official work and non-official work is most unreasonable. For, after all, what are the non-officials doing? We are only doing official work, and so why do you make a distinction between official days and non-official days and official work and non-official work? When you are notable to finish the official work in the number of allotted days,



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are you not allotting an extra day? In the same way, why can't you allot to us an extra day if the non-official work is not finished within the prescribed time? I think Government are unreasonable in this. Mr. President, I don't wish to press my amendment; I beg to withdraw it."

The amendment was, by leave, withdrawn.

\* The hon. the PRESIDENT:—"The question is—

*'that the Bill as reported on by the Select Committee be circulated for public opinion.'*"

The amendment was lost.

\* The hon. the PRESIDENT:—"I will now put the motion of Mr. Basheer Ahmed Sayeed to the vote of the House. (After a pause.) The question is—

*'that the consideration of the Tirumalai-Tirupati Devasthanams Bill be adjourned to the next meeting of the Council or to some date which may be fixed for the purpose by His Excellency.'*"

The amendment was declared lost. Mr. Basheer Ahmed Sayeed demanded a poll and the House divided thus:—

*Ayes.*

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|----------------------------------|-------------------------------|
| 1. Mr. K. A. Nachiyappa Gounder. | 3. Mr. T. S. Ramaswami Ayyar. |
| 2. „ Basheer Ahmed Sayeed.       |                               |

*Noes.*

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|------------------------------------------------------------|--------------------------------------------------|
| 1. The hon. Khan Bahadur Sir Mahmomed Usman Sahib Bahadur. | 28. Mr. M. S. Sreshta.                           |
| 2. „ Diwan Bahadur Sir M. Krishnan Nayar.                  | 29. „ P. C. Moses.                               |
| 3. „ Sir Archibald Campbell.                               | 30. „ P. V. Rajagopala Pillai.                   |
| 4. „ Mr. H. G. Stokes.                                     | 31. „ P. Bayappa Reddi.                          |
| 5. „ Diwan Bahadur S. Kumaraswami Reddiyar.                | 32. „ R. M. Palat.                               |
| 6. „ Mr. P. T. Rajan.                                      | 33. Rao Bahadur R. K. Venugopal Nayudu.          |
| 7. „ Diwan Bahadur B. Muniswami Nayudu.                    | 34. Rao Sahib V. Dharmalingam Pillai.            |
| 8. Mrs. K. Alamelumangathayaramma.                         | 35. The Raja of Bobbili.                         |
| 9. Mr. C. E. Jones.                                        | 36. The Raja of Kallikote.                       |
| 10. „ J. A. Thorne.                                        | 37. The Kumara Raja of Venkatagiri.              |
| 11. „ H. M. Hood.                                          | 38. The Zamindar of Mirzapuram.                  |
| 12. „ R. Madanagopal Nayudu.                               | 39. Mr. M. A. Muthiah Chettiyar.                 |
| 13. „ S. H. Slater.                                        | 40. „ A. V. Bhanoji Rao.                         |
| 14. „ E. Conran Smith.                                     | 41. „ J. A. Davis.                               |
| 15. „ T. Sundara Rao Nayudu.                               | 42. „ Daniel Thomas.                             |
| 16. Khan Sahib Syed Tajuddin Sahib Bahadur.                | 43. Swami A. S. Sahajanandam.                    |
| 17. Mr. V. M. Ramaswami Mudaliyar.                         | 44. Pandit Ganala Ramamurti.                     |
| 18. „ K. P. Raman Menon.                                   | 45. Rao Sahib P. Subrahmanya Chetti.             |
| 19. Rao Bahadur A. T. Pannirselvam.                        | 46. The Zamindar of Kirlampudi.                  |
| 20. Mr. K. C. M. Venkatachalam Reddiyar.                   | 47. Rao Sahib C. Jayaram Nayudu.                 |
| 21. „ G. Ranganatha Mudaliyar.                             | 48. The Zamindar of Chemudu.                     |
| 22. „ M. B. Rangaswami Reddi.                              | 49. Mr. D. V. Narasimhaswami.                    |
| 23. Rao Sahib N. Siva Rai.                                 | 50. „ K. Kesava Ramamurti Nayudu.                |
| 24. Subadar-Major S. A. Nanjappa Bahadur.                  | 51. Mahboob Ali Baig Sahib Bahadur.              |
| 25. Diwan Bahadur C. S. Ratnasachapati Mudaliyar.          | 52. Dr. P. Subbarayan.                           |
| 26. „ M. Gopalaswami Mudaliyar.                            | 53. Diwan Bahadur R. N. Arogyaswami Mudaliyar.   |
| 27. Mr. B. P. Sesha Reddi.                                 | 54. Rao Bahadur T. A. Ramalingam Chettiyar.      |
|                                                            | 55. Mr. Sami Venkatachalam Chetti.               |
|                                                            | 56. Khan Bahadur Mahmud Schamnad Sahib Bahadur.  |
|                                                            | 57. Rao Bahadur T. M. Narayanaswami Pillai.      |
|                                                            | 58. Khan Bahadur P. Khalif-ul-lah Sahib Bahadur. |



[3rd August 1932]

## Noes—cont.

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|-----------------------------------|----------------------------------------------|
| 59. Mr. V. P. Narayanan Nambiyar. | 72. Mr. C. Basu Dev.                         |
| 60. „ M. A. Manikkavelu Nayakar.  | 73. Rao Sahib D. Krishnamurti.               |
| 61. „ A. B. Shetty.               | 74. Mr. V. T. Arasu.                         |
| 62. „ G. Simbachalam Pantulu.     | 75. „ G. Sriramulu.                          |
| 63. „ Abdul Hameed Khan.          | 76. „ H. M. Jagannatham.                     |
| 64. The Pattagar of Palayakottai. | 77. Khan Bahadur T. M. Moidoo Sahib Bahadur. |
| 65. Mr. A. Ranganatha Mudaliyar.  | 78. Rao Bahadur R. Srinivasan.               |
| 66. „ K. Koti Reddi.              | 79. Mr. G. R. Premayya.                      |
| 67. Rai Sahib C. Kolanda Reddi.   | 80. „ G. Lakshmana Reddi.                    |
| 68. Mr. J. Kuppaswami Choudari.   | 81. „ C. Krishnan.                           |
| 69. „ C. Satyanarayana Choudari.  | 82. „ P. Peddi Raju.                         |
| 70. Rao Bahadur Sir A. P. Patro.  | 83. „ T. Narasa Reddi.                       |
| 71. The Maharaja of Venkatagiri.  |                                              |

## Neutral.

- |                                    |                                       |
|------------------------------------|---------------------------------------|
| 1. Sriman M. G. Patnaik Mahasayo.  | 8. „ F. Birley.                       |
| 2. Ahmed Miran Sahib Bahadur.      | 9. „ F. G. Stanes.                    |
| 3. Mr. U. C. Subrahmanya Bhatt.    | 10. „ F. E. James.                    |
| 4. „ K. S. Sivasubrahmanya Ayyar.  | 11. S. M. K. Beyabani Sahib Bahadur.  |
| 5. „ C. R. Parthasarathi Ayyangar. | 12. Mr. M. P. Madhusoodhanan Thangal. |
| 6. „ F. G. Luker.                  |                                       |
| 7. Mr. A. W. Hutton.               |                                       |

Ayes 3; Noes 83; Neutral 12.

The amendment was lost.

Mr. ABDUL HAMEED KHAN:—“ Mr. President, Sir, I move—

*‘ this question be taken up for consideration soon after the lunch hour ’.*”

Mr. SAMI VENKATACHALAM CHETTI:—“ In order to facilitate giving notice of amendments, if any.”

Mr. T. S. RAMASWAMI AYYAR:—“ On a point of order, Sir, may I know whether it is possible for hon. Members to give notice of amendments now ? ”

Mr. SAMI VENKATACHALAM CHETTI:—“ It is possible to give notice.”

\* The hon. the PRESIDENT:—“ I think it is possible to accept notice of amendments.

“ The question is—

*‘ that the consideration of the Bill be taken up as the first item in the afternoon after lunch ’.*”

The motion was carried.

## IV.—A BILL TO AMEND THE MADRAS MEDICAL REGISTRATION ACT, 1914 (BILL No. 28 OF 1932).

Mr. DANIEL THOMAS:—“ Mr. President, Sir, I beg to present the Report of the Select Committee on the Bill to amend the Madras Medical Registration Act, 1914, and I move—

*‘ that the Bill, as amended by the Select Committee, be taken into consideration.’*

“ In doing so I wish to say a few words. The Government of Madras appointed a special committee in 1921 to go into the indigenous systems of medicine in this province. It was presided over by the present Home Member, and one of the unanimous recommendations of that committee was as follows:—

“ The Medical Registration Act, Act IV of 1914, should be amended on the lines of section 26 (2) of the United Provinces Medical



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Registration Act so as to provide for free professional association between practitioners of the Indian and European systems of medicine.'

"The Bill now before us embodies that recommendation of the Committee. I would also invite the attention of the House to the fact that this Bill when originally introduced had the support of all sections of the House. The Select Committee have gone carefully into the provisions of the Bill and they have made certain modifications and changes, which, I submit, do not affect the principle underlying the Bill. They only introduce certain safeguards and make the application of certain sections more definite and precise. I, therefore, believe that the Bill as amended by the Select Committee is substantially the same as it was when originally introduced. I, therefore, commend the Bill to the consideration of the House."

Khan Sahib Syed Tajuddin Sahib Bahadur seconded the motion.

\* The hon. the PRESIDENT:—"The question is—

*'that Bill No. 28 of 1932, as amended by the Select Committee, be taken into consideration.'*"

The motion was carried.

\* The hon. the PRESIDENT:—"I will now put the several clauses of the Bill to the vote of the House. (After a pause.)

"The question is—

*'that clause 3 of the Bill be renumbered as clause 2.'*"

The motion was carried.

\* The hon. the PRESIDENT:—"The question is—

*'that the clauses 1 and 2 as renumbered do form part of the Bill.'*"

The motion was carried.

The Preamble was put and carried.

Mr. DANIEL THOMAS:—"Mr. President, Sir, I beg to move—  
*'that the Bill be passed into law.'*"

"In this connexion I would offer my thanks to the Government for the cordial support they have given this measure, and I hope this measure will inaugurate a new era of cordial co-operation between the practitioners of Indian and European systems of medicine in the country and I hope that it will conduce to the greater welfare and better health of the huge masses of this province."

Mr. ABDUL HAMEED KHAN:—"Mr. President, Sir, I second the motion. I join with my friend, Mr. Daniel Thomas, in congratulating the House on passing this measure which is of a very very vital character. It has brought into being a feeling of relief in the minds of a very large section of indigenous medical practitioners who are regarded more or less as untouchables. Now that we have passed this measure, we can henceforth recognize the medical men who are practising the indigenous systems."



[Mr. Abdul Hameed Khan]

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"In our country, sir, there is great need for medical men. If we entirely depend upon the allopathic system a large proportion of our population will go without any medical aid. Now we have opened avenues for various systems to grow. I am glad that Mr. Daniel Thomas and Mr. Tajuddin are piloting this Bill and I am sure the people of this province will thank the Council for passing a measure of this nature."

\* Mr. V. T. ARASU:—"I should like to associate myself with this motion, that the Bill be passed into law. All credit for the passing of this measure is due to Sir Mahomed Usman who is responsible for this Bill. It was he, during his non-official days, that agitated in this matter. And my friend Mr. Tajuddin has taken up the idea and has drafted it in the form of a Bill. I do not know why he did not think it fit to introduce the Bill himself. Sir, there is a provision in this Bill regarding which I should like to sound a note of warning to Government. There is a provision which defines a medical practitioner. It says: 'the expression "qualified practitioner" shall for purposes of this proviso mean "a practitioner qualified under rules made by the local Government in this behalf."' In framing rules and defining who a qualified medical practitioner is, great care should be taken to see that quacks are not included in the list. If possible, Government ought to constitute a committee to decide as to who are qualified and who are not. It is common knowledge that there are any number of Ayurvedic, Unani and Siddha practitioners throughout the length and breadth of this Presidency who are mere quacks and nothing more, and yet pass off for medical practitioners. This committee should exercise great care to see that such quacks are not included in the list and enabled to practise medicine either by themselves, or in association with registered medical practitioners.

"As regards sub-section (3) which runs as follows: "Nothing in sub-section (2) shall relieve a registered practitioner of any obligations or code of ethics which may be imposed upon registered practitioners generally by the Council." I have a few words to say: Sir, it would be remembered that according to the Medical Registration Act, a registered medical practitioner is prohibited from associating himself with one who is not registered under the Madras Medical Registration Act. By the Bill that we are now passing into law, it is sought to give permission to the registered practitioners to associate themselves with unregistered, but qualified, practitioners. That means to say there is scope for unscrupulous registered allopathic practitioners to associate with unregistered practitioners, and in their name carry on practice in a manner that would be against professional ethics. That is to say, whereas an unregistered practitioner is at liberty to advertise and seek clients, the registered practitioner is not able to do so at present. By passing this Bill into law you have enabled the registered practitioner to have as his assistant an unregistered practitioner and carry on his trade unscrupulously and unfairly. In regard to this also, I should think that Government should issue specific instructions to the Madras Medical Council to exercise great care and



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[Mr. V. T. Arasu]

see that by means of this Act unscrupulous medical practitioners do not take undue advantage over the other medical practitioners by associating with them unregistered medical men. With these few words, I support the motion that this Bill be passed into law."

Khan Sahib SYED TAJUDDIN SAHIB Bahadur:—" Mr. President, Sir, the present amendment is not only a desideratum but a dire necessity. The section which prohibited medical practitioners from associating with unregistered practitioners was something like a blot on the Statute Book. The hon. Sir Mahomed Usman who himself comes from an eminent family of physicians found the injustice of it long ago and as the Chairman of the Committee entered a strong protest in his name. Some time elapsed before it struck me as well. I was not able to steer the Bill through this Council and Mr. Daniel Thomas was good enough to take the responsibility for piloting the Bill and he did not spare any pains to see that the Bill was passed into law. In this connexion, Sir, I have to thank first, the hon. Sir Mahomed Usman, secondly Mr. Daniel Thomas, then the members of the Select Committee and also the members of the House for their cordial support and encouragement. Mr. President, internationalism is the order of the day. Present day civilization entirely depends upon the continuous and slow intercourse of people belonging to different nations and different traditions. Not only food and clothing but also a host of other necessities of life are being gathered from all parts of the world. Even the dining table and the drawing-room are becoming international in their nature. If we turn to science, most of the science, e.g., chemistry, physics, mathematics, are all international. The scientific societies of the world have begun to promote free social intercourse between various nations and various countries. So, this measure is in keeping with the general trend of the modern world. Not only that; I think this kind of healthy co-operation and free exchange of ideas will go a great way towards relieving the suffering humanity. I thank the Government for the cordial support they have accorded to the Bill."

The motion was put and carried and the Bill was passed into law.

V.—A BILL TO AMEND THE MADRAS DISTRICT MUNICIPALITIES ACT, 1920, AND THE MADRAS LOCAL BOARDS ACT, 1920  
(BILL No. 25 OF 1931.)

\* Mr. F. BIRLEY:—" Mr. President, Sir, I beg to move—  
*that the Bill to amend the District Municipalities Act, 1920, and the Madras Local Boards Act, 1920, be referred to a Select Committee consisting of the following Members:—*

1 p.m.

The hon. Diwan Bahadur B. Muniswami Nayudu.

Mr. E. Conran Smith.

Diwan Bahadur C. S. Ratnasabhapati Mudaliyar.

Mr. Sami Venkatachalam Chetti.

The Raja of Kallikote.

Mr. Basheer Ahmed Sayeed.

Rao Bahadur T. M. Narayanaswami Pillai.

Khan Bahadur T. M. Moidoo Sahib Bahadur.



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Mr. B. P. Sesha Reddi.

„ F. G. Luker.

„ R. Foulkes.

„ F. Birley (Mover).'

“ Mr. President, the purpose of this Bill is perfectly clear. It seeks to limit the amount of the licence fee levied by a district board on a bus to a maximum of Rs. 100. As is well known, at the present time district boards are levying licence fees, which in some cases exceed Rs. 2,000 in the case of a single bus. It is evident that for some time the district boards have looked upon the licence fee as a method of taxation and a source of income in return for the use of the roads. There are differing views as to whether in law a licence fee can be so used and it is interesting to observe that in a recent case arising out of the licence fee levied, on which matter this Bill endeavours to legislate, the views of two distinguished Judges differed.

“ This Bill, however, does not base itself upon the legal interpretation of the term ‘ licence fee ’. It bases itself on two points: first, that there should be some uniformity in method and amount in the taxation of this form of transport; secondly, that the intention of the Madras Motor Vehicles Act should be fulfilled. In the Preamble to this Act, it is stated:

‘ Whereas it is expedient to abolish the levy of taxes on motor vehicles by local bodies within the Presidency and whereas it is also expedient to provide for the levy of a provincial tax on motor vehicles in the Presidency.’

“ It was obviously the intention of the framers of this Act that provincial taxation should take the place of local and district taxation. This intention has been fulfilled in the Madras City where there is no district or municipal licence fee. In regard to district board areas it may be necessary, of course, to make alterations in the amount of the provincial tax in order to adjust the revenue derived thereby to the needs of the district, but there is no doubt that the logical sequence to the Act which was placed on the Statute Book in 1931 is that the tax on motor vehicles should be a provincial matter.

“ I have pointed out earlier that this Bill seeks to limit the amount of the licence fees levied by a district board in respect of buses to a maximum of Rs. 100 per annum. There are two points in connexion with this maximum figure which I would emphasize. In the first place, the object of fixing a maximum is to allow of variations according to the size of districts and the number of buses plying in those districts. In a district, for example, where there may be only 30 or 40 buses running, the expenses in connexion with issuing licences would be very small, and therefore the amount of the licence fee might be nominal, because no separate staff would be required. On the other hand, in larger districts where the number of buses may run into some hundreds, it is reasonable that the district board should levy a fee which is nearer the maximum allowed by this Bill because a special staff would be necessary. In the second place, I do not tie myself absolutely to the figure of Rs. 100 as the maximum. The actual figure



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would be a matter for the Select Committee to decide, bearing in mind the general purpose of the Bill to fix an amount suitable to the purpose of a licence fee.

“ There is not the slightest doubt that the combination of the provincial tax and the licence fee is steadily breaking up the motor bus traffic and figures will doubtless be given in the course of this discussion to show to what extent buses have been driven off the road. I think the House will agree with me that the opening up of the country which is not touched by the railway through the medium of bus routes is a very important line of development which deserves every encouragement. During the last two years, however, this form of transport has received every conceivable discouragement. In addition to the heavy increase of local taxes, there has also been a heavy increase of duties on the import of buses, petrol, tyres, spare parts, etc. We in this province are not responsible for that increase in the import duties; but we are responsible for seeing that the local taxes borne by this industry in the Presidency are not such as to discourage its development. At the present moment, the industry is taxed by the local bodies to an extent not known in any part of the world, let alone India, and this is partly due to the fact that apart from the Government of India there are in this Presidency at present two different taxing authorities, each concerned to get its maximum out of this unfortunate trade. The proper taxing authority is the Local Government which is concerned to raise money for the roads and which is also concerned vitally in the encouragement of this industry. The proper licensing authority is the district board, which must have control over the buses which ply within its areas. If these principles are understood and appreciated, there can be no doubt that the Select Committee will very soon come to a reasonable agreement as to the actual figure of the maximum licence fee.

“ Earlier in my speech I have referred to the intention of the Madras Motor Vehicles Taxation Act. Whatever was the intention of that Bill as originally drafted, the effects of the Act as passed by this House have proved to be little short of calamitous.

“ Mr. President, Sir, it was never the intention of the drafters of that Bill to impose an intolerable burden on mechanical transport—there was equally no intention to deprive the district boards and municipalities of the revenue necessary to keep their roads in proper repair. Let us therefore be perfectly frank about the situation. Government is in a quandary; the bus industry is in a mess; the allied trades and industries are wallowing in a slough of despond; the local boards and municipalities are wringing their hands. Are we not, Sir, capable of finding a solution for all these difficulties? I think we are and I think that my Bill is the first step in the right direction—but it is only a step. I trust, therefore, that the House will accept my motion and refer this Bill to the Select Committee which I have mentioned.”

Mr. A. B. SHETTY:—“ I second it.”



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Mr. M. A. MANIKKAVELU NAYAKAR:—"Sir, I beg to move—

*'that the name of Mr. Abdul Hameed Khan be added to the list of Members of the Select Committee'."*

Mr. A. B. SHETTY:—"I second it."

Mr. F. BIRLEY:—"I accept it."

The amendment to add the name of Mr. Abdul Hameed Khan was put and carried.

\* The hon. the PRESIDENT:—"The question is—

*'that the Bill No. 25 of 1931 be referred to a Select Committee consisting of the Members as per list already mixed and which was further amended by Mr. Manikkavelu Nayakar'."*

The motion was carried.

VI.—A BILL TO AMEND THE MADRAS IMPARTIBLE ESTATES ACT, 1904.

Sriman M. G. PATNAIK Mahasayo:—"Mr. President, I beg to move for leave to introduce the Bill to amend the Madras Impartible Estates Act, 1904."

Mr. V. M. RAMASWAMI MUDALIYAR:—"I second it."

The motion was put and carried.

Sriman M. G. PATNAIK Mahasayo:—"Sir, I introduce the Bill."

VII.—THE KAPILESWARAPURAM IMPARTIBLE ESTATES BILL.

Mr. D. V. NARASIMHASWAMI:—"Mr. President, I move for leave to introduce the Kapileswarapuram Impartible Estates Bill."

Mr. K. KESAVA RAMAMURTI NAYUDU:—"I second it."

The motion was put and carried.

Mr. D. V. NARASIMHASWAMI:—"I introduce the Bill."

VIII.—THE MANGAVARAM, ANAKAPALLE AND NAKKAPALLE IMPARTIBLE ESTATES BILL.

Mr. R. M. PALAT:—"Mr. President, I move for leave to introduce the Mangavaram, Anakapalle and Nakkapalle Estates Bill."

Mr. V. P. NARAYANAN NAMBIYAR:—"I second it."

The motion was put and carried.

Mr. R. M. PALAT:—"I introduce the Bill."

IX.—THE MANGAVARAM, ANAKAPALLE AND NAKKAPALLE IMPARTIBLE ESTATES BILL.

The KUMARA RAJA OF VENKATAGIRI:—"Mr. President, I move for leave to introduce the Mangavaram, Anakapalle and Nakkapalle Impartible Estates Bill."

Mr. V. P. NARAYANAN NAMBIYAR:—"I second it."

The motion was put and carried.

The KUMARA RAJA OF VENKATAGIRI:—"I introduce the Bill."



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**X.—A BILL TO AMEND THE MADRAS LOCAL BOARDS ACT, 1920.**

S. M. K. BEYABANI SAHIB Bahadur:—"Mr. President, I move for leave to introduce the Bill to amend the Madras Local Boards Act, 1920."

Mr. ABDUL HAMEED KHAN:—"I second it."

The motion was put and carried.

S. M. K. BEYABANI SAHIB Bahadur:—"I introduce the Bill."

**XI.—THE KAPILESWARAPURAM IMPARTIBLE ESTATES BILL.**

The ZAMINDAR OF MIRZAPURAM:—"Mr. President, I move for leave to introduce the Kapileswarapuram Impartible Estates Bill."

The ZAMINDAR OF BODINAYAKKANUR:—"I second it."

The motion was put and carried.

The ZAMINDAR OF MIRZAPURAM:—"I introduce the Bill."

**XII.—THE MANGAVARAM, ANAKAPALLE AND NAKKAPALLE IMPARTIBLE ESTATES BILL.**

The ZAMINDAR OF KIRLAMPUDI:—"Mr. President, I move for leave to introduce the Mangavaram, Anakapalle and Nakkapalle Impartible Estates Bill."

The ZAMINDAR OF MIRZAPURAM:—"I second it."

The motion was put and carried.

The ZAMINDAR OF KIRLAMPUDI:—"I introduce the Bill."

[Mr. M. Devadasan, who gave notice of a motion to move for leave to introduce the Mangavaram, Anakapalle and Nakkapalle Estates Bill, was not in his place when called by the hon. the President.]

**XIII.—THE MONEY-LENDERS' BILL.**

Mr. C. BASU DEV:—"Mr. President, I move for leave to introduce the Money-lenders' Bill."

Mr. R. MADANAGOPAL NAYUDU:—"I second it."

Mr. V. T. ARASU:—"Mr. President, I oppose the motion. We do not know what the principles of the Bill for which are asked to give leave for introduction are. Therefore, I should like to have an idea of the subject-matter of the Bill."

\* Mr. C. BASU DEV:—"Sir, I least expected to meet with opposition to this Bill especially from my hon. Friend Mr. Arasu at this stage. I have not even got a copy of the Bill with me now as I thought 'leave to introduce' was very formal matter and as the name of the Bill itself was sufficiently indicative of its purpose. This Bill is intended to protect the interests of the large number of debtors from the clutches of money-lenders. Certain classes of money-lenders in this country keep accounts in a language which is little understood by the people. Further the rate of interest charged on the loans given by them ranges from 12 to 75 per cent per annum, and in fact there is no limit to the rate that may be charged by them. A copy of the Bill



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is just sent to me by the Council office and I had better read the statement of objects and reasons stated therein.

“Sir, therefore I shall read it:

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‘The business of money-lending with which is often associated the sale of jewels and articles of common use as carried on by certain classes of money-lenders is very unsatisfactory and places the debtors who are largely drawn from the middle and working classes at the tender mercy of the money-lenders. The need, ignorance and illiteracy of the debtors are being exploited by certain classes of money-lenders to an unconscionable degree. A certain class or the money-lenders as a rule never give receipts for the moneys they receive from the debtors and they keep their accounts in a language and in a form which none but themselves can decipher or understand. Again the interest charged is exorbitantly high and it is time a reasonable maximum is fixed.

‘The aim of this Bill therefore is to fix a reasonable maximum rate of interest, to provide for the good and safe conduct of the business of certain kinds of money-lending and to secure as between certain classes of money-lenders and debtors an improved system of keeping accounts which will give to the latter a means of ascertaining periodically how their accounts stand and how they are composed. At the same time, the Bill is cautious enough not to unnecessarily harass the lender and restrict the facilities for credit. Also by excepting certain classes of loans it expressly avoids interference with accounts connected with trade and commerce. The penalties for non-compliance with the provisions of the Bill are not hard but reasonable and just, sufficient to meet the requirements of the case.

‘This Bill is practically the Punjab Regulation of Accounts Act of 1930 with a few necessary additions to suit local conditions.’

“I think that this House will now give me permission to introduce the Bill.”

The motion was put and carried.

Mr. C. BASU DEV:—“I introduce the Bill.”

#### XIV.—THE MANGAVARAM, ANAKAPALLE AND NAKKAPALLE IMPARTIBLE ESTATES BILL.

Mr. K. KESAVA RAMAMURTI NAYUDU:—“I move for leave to introduce the Mangavaram, Anakapalle and Nakkapalle Impartible Estates Bill.”

Mr. V. G. VASUDEVA PILLAI:—“I second it.”

The motion was put and carried.

Mr. K. KESAVA RAMAMURTI NAYUDU:—“I introduce the Bill.”

#### XV.—THE MANGAVARAM, ANAKAPALLE AND NAKKAPALLE IMPARTIBLE ESTATES BILL.

Diwan Bahadur M. GOPALASWAMI MUDALIYAR:—“I move for leave to introduce the Mangavaram, Anakapalle and Nakkapalle Impartible Estates Bill.”

The motion was duly seconded and put and carried.

Diwan Bahadur M. GOPALASWAMI MUDALIYAR:—“I introduce the Bill.”

[Mr. V. T. Arasu, who gave notice to move for leave to introduce the Artisans' Bill, was not in his place when called by the hon. the President.]

#### XVI.—THE ARTISANS' BILL.

Mr. V. M. RAMASWAMI MUDALIYAR:—“I move for leave to introduce the Artisans' Bill.”



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The motion was duly seconded and put and carried.

Mr. V. M. RAMASWAMI MUDALIYAR:—"I introduce the Bill."

**XVII.—A BILL TO AMEND THE MADRAS LOCAL BOARDS ACT, 1920.**

Mr. P. C. MOSES:—"I move for leave to introduce the Bill to amend the Madras Local Boards Act, 1920."

Mr. M. S. SRESHTA:—"I second it."

The motion was put and carried.

Mr. P. C. MOSES:—"I introduce the Bill."

[Rao Sahib P. Subrahmanyam Chetti, who gave notice to move for leave to introduce the Artisans' Bill, was not in his place when called by the hon. the President.]

Rao Sahib N. Siva Raj, who gave notice to move for leave to introduce the Mangavaram, Anakapalle and Nakkapalle Impartible Estates Bill, was not in his place when called by the hon. the President.]

**XVIII.—THE MANGAVARAM, ANAKAPALLE AND NAKKAPALLE IMPARTIBLE ESTATES BILL.**

Mr. P. MADHUSOODHANAN THANGAL:—"I move for leave to introduce the Mangavaram, Anakapalle and Nakkapalle Impartible Estates Bill."

The motion was duly seconded, put and carried.

Mr. P. MADHUSOODHANAN THANGAL:—"I introduce it."

**XIX.—THE ARTISANS' BILL.**

Mr. H. M. JAGANNATHAM:—"I move for leave to introduce the Artisans' Bill."

Rao Sahib V. I. MUNISWAMI PILLAI:—"I second it."

The motion was put and carried.

Mr. H. M. JAGANNATHAM:—"I introduce the Bill."

**XX.—A BILL TO AMEND THE MADRAS DISTRICT MUNICIPALITIES ACT, 1920.**

Mr. A. RANGANATHA MUDALIYAR:—"I move for leave to introduce the Bill to amend the Madras District Municipalities Act, 1920."

Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—"I second it."

The motion was put and carried.

Mr. A. RANGANATHA MUDALIYAR:—"I introduce the Bill."

**XXI.—THE ARTISANS' BILL.**

Pandit GANALA RAMAMURTI:—"I move for leave to introduce the Artisans' Bill."

Mr. V. P. NARAYANAN NAMBIYAR:—"I second it."

The motion was put and carried.

Pandit GANALA RAMAMURTI:—"I introduce the Bill."



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[The Raja of Bobbili, who gave notice to introduce a Bill further to amend the Madras Impartible Estates Act, 1904 (Bill No. 8 of 1932), was not in his place when called by the hon. the President.]

**XXII.—RESOLUTION ON MATTERS OF GENERAL PUBLIC INTEREST.  
SERVICE OF COPYISTS AND COPYIST-EXAMINERS IN THE REVENUE COURTS.**

Discussion on the following resolution of Mr. Abdul Hameed Khan was resumed:—

*‘This Council recommends to the Government that the service of copyists and copyist-examiners in the Revenue courts of this Presidency be made permanent and pensionable.’*

\* The hon. the PRESIDENT:—“The hon. Member who moved the resolution has spoken on it, and it has been seconded by Mr. A. Ranganatha Mudaliyar, if I remember right. So the discussion on this resolution will continue.”

\* The hon. Sir ARCHIBALD CAMPBELL:—“Mr. President, Sir, I am afraid it is not possible for Government to accept this resolution at the present time for these reasons. At present the copyists are paid on the basis of actual work turned out by them. Sometimes, there is a good deal of work to be done in particular offices, and the extra copyists are employed for the purpose and paid under the rules applying to copyists and copyist-examiners. If we make this staff permanent, we should have to pay them whether they have work or not. In that way there will be considerable waste of money. In the second place, in these times of financial stringency it will not be possible to adopt any such measure as it will involve a considerable increase in expenditure. We have to keep down our expenditure as low as possible and we cannot undertake to introduce measures which will increase the expenditure on any particular service.”

Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—“These copyists have got very hard work to do and it will not cost Government very much to put them on a permanent basis. In answer to a question of mine some time ago, a statement of income and expenditure of the copyists for the last ten years was placed before this House by the hon. the Revenue Member. That showed that the income was far in excess of the expenditure in connexion with the pay of the copyists. So, if something more is given or if the pay is made permanent, there would not be any loss to Government. So, I heartily support this motion.”

Mr. ABDUL HAMEED KHAN:—“I am sorry that the hon. the Revenue Member is not agreeable to this motion, but if he would examine this question he will find that it will not cost the Government anything more financially. The copyists are at present paid on the piece work they do, but if they are made permanent, the Government will find it advantageous to them and at the same time it will not cost them more than what they pay now for piece work. I can even go to the extent of saying that, if the Government agree to this resolution and make these people permanent, it will not cause any loss to them, but it will prove to be a source of profit to them.”



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MAHBOOB ALI BAIG SAHIB Bahadur:—"Mr. President, Sir, from the point of view of economy also, it is better that these copyists are given fixed salaries. From information furnished by the persons concerned, I came to the conclusion that ordinarily the copyists are paid more than what an ordinary clerk gets. Sometimes, when the work is in full swing, they get more than Rs. 50 a month. But their complaint is that on days on which they could not work it is not possible for them to get these wages. In that way they are handicapped. Moreover, from the figures supplied to me, it is very clear that, while a clerk in the same department earns Rs. 35 a month, a copyist gets sometimes Rs. 50 to Rs. 60. The tendency on the part of persons who are not earning more money is to bring in more men in competition and thus try to bring down their emoluments. So, in Revenue courts and Civil courts, the number of these copyists has increased, and their average emoluments also reduced on account of other men being brought in to do the same copying work. Moreover he is the servant of the public and of the Government. He serves in the department for the whole of his life, say, for about 30 or 35 years. Naturally he expects a pension. No pension or provident fund is allowed to him. He practically goes without a pension or provident fund after serving the Government and the public for 30 or 35 years. So, I have great pleasure in supporting the motion of my hon. Friend, Mr. Hameed Khan, and trust that the Government will see their way to place the copyists and copyist-examiners on a par with other clerks."

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\* The hon. the PRESIDENT:—"The discussion on this motion may continue later.

"Before we adjourn I wish to inform the House that amendments in connexion with the Tirumalai-Tirupati Devasthanams Bill will be received until 1-45 p.m., to facilitate the circulation of amendments to all other Members of the House before we meet again after lunch."

The House then adjourned for lunch.

### After Lunch (2-30 p.m.)

#### III.—THE TIRUMALAI-TIRUPATI DEVASTHANAMS BILL—cont.

\* The hon. the PRESIDENT:—"Bill No. 15, as amended by the Select Committee, is now for the consideration of the House. I shall now put each clause to the vote of the House."

Clauses 1 to 5 were put and carried.

#### Clause 6 (1).

\* Mr. K. KOTI REDDI:—"Mr. President, I move that—

*'in line 2, for the words "of whom four" the word "who" be substituted and all the words after the word "determine" in line 8 be omitted.'*

"With your permission, Sir, I shall move the other amendment proposing the persent Mahant as an additional Member, afterwards.



[Mr. K. Koti Reddi]

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"Sir, my object in moving this amendment is this: the section as it stands provides for both nomination as well as election of Members of the Committee. I provide by my amendment that the Members of the Committee should be entirely elected and that no choice be given to the Government to nominate Members to the Committee. I take it, Sir, that the Government either believes in the capacity of the Members of this House to elect proper persons or not. If the Government believe that this Legislative Council is capable enough, and is sufficiently educated to select Members to this Committee, I fail to see why they (the Government) should be given power to nominate two Members to the Committee. The Committee is a very small Committee consisting of seven Members. I believe that this Council will consist of more Members in the future constitution and as such I fail to see why this House should not be entrusted with the power of electing all the Members. There will always be a majority for the Government in the Council. If the Government are in a position to carry through their business by means of their voting strength, they can always see that a majority of Members amenable to their influences and agreeable to their wishes are selected as Members of this Committee. It is only just and fair that a Committee of this sort which is a responsible body entrusted with the management of a big temple whose income is somewhere about 16 lakhs of rupees should consist of Members entirely elected by this Council.

"With regard to the present Mahant, my next amendment also makes provision to give him a chance. There are some Members of this House who have a very tender heart for him on account of his business capacity and also because he has rendered long service as the Vicharanakartha of the temple. Provision can be made to give the present Mahant a chance to serve on the Committee by making him an additional Member in addition to the seven Members. Whether the present Mahant will be a Member or not, the purpose of my amendment is to see that all the seven Members of the Committee should be elected by the Council. With these few words I move my amendment of which I have given notice."

Mr. K. A. NACHIYAPPA GOUNDER:—"I beg to second the amendment."

\* The hon. the PRESIDENT:—"Mr. Koti Reddi's amendment is for the discussion of the House. It runs thus:—

*'That in line 2 of section 6 (1) for the words "of whom four," the word "who" shall be substituted.*

*'That all the words in line 8 after the word "determine" be omitted."*

\* Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"I am sorry that this amendment cannot be accepted by me for this reason, that if the Mahant is made an additional Member it will increase the strength of the Committee and it will be an even number of 8. It will be a difficult matter if the Members are divided equally as four



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and four in which case, the President will have to be giving his casting vote. As the section stands at present, the Mahant will be one among seven Members. Leaving the Mahant, there will be two Members to be nominated by the Government. This question was discussed at great length in the Select Committee and they finally came to the conclusion that two of the Members at least should be nominated by the Government. It may not be quite possible for representatives of all sections of the Hindu community to be on the Committee. Sir, only those who possess the party strength may be selected for the Committee and it may not always be possible that the Committee would be of a representative character. My hon. Friend Dr. Subbarayan wanted that at least one member of the depressed classes should be nominated as a Member of the Committee. So in order to provide for the representation of this community and other such communities it is necessary that Government should take power to nominate at least two Members to the Committee."

\* Sriman M. G. PATNAIK Mahasaya:—"Sir, this amendment will lose all its importance if the Government becomes autonomous, because in that case there will be no difference between the Government and the Legislature as the hon. Ministers will then be really responsible to the Legislature. Therefore it really does not matter whether this amendment is carried or not. Under diarchy such a provision is necessary and people who want to amend the present section do believe that this Legislature is diarchical and may not take into consideration the interests of minorities. So far as the future Government is concerned, it is not going to be diarchical, and therefore my hon. Friend Mr. Koti Reddi may not press his amendment."

The amendment was by leave withdrawn.

Mr. T. S. RAMASWAMI AYYAR:—"Sir, I beg to move—

*'Instead of the word "four" in section 6 (1) substitute the word "five" and for the word "three" substitute the word "two".'*

"If there is going to be election and also nomination, it is not proper that there should be four elected seats and three nominated seats. If there is going to be election, there should be a large number of seats. Nomination should be resorted to only as a last resort if we find that elected Members do not do full justice to the cause of the minority communities. But if the nominated seats are going to be as many as three what is the point in having an elected Committee? Therefore, I wish to move that the word 'four' be substituted by the word 'five.' There may be five seats for the elected Hindu Members and three seats for nomination by the Government."

\* Mr. SAMI VENKATACHALAM CHETTI:—"Sir, this is only a very small amendment and I do not think the hon. Member in charge of the Bill need raise any objection to it. The elected element is increased by only one and the nominated element is decreased correspondingly.



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All the same the interests of unrepresented communities will best be served and incidentally the hon. the Minister will not be bothered with applications for seats on the Committee. Provision is made in the Bill for election by the Legislative Council of either Members of the Council or outsiders. Therefore the Council should be empowered to elect as many Members as possible so that they may elect a few from among themselves and a few from outside. The greater the number of Members to be elected by the Council the greater will be the chances of outsiders being elected by the Council. In the interests of those who are not Members of the Council, the amendment to substitute in sub-section (1) the word 'five' for the word 'four' and the word 'two' for the word 'three' is necessary. I therefore support the amendment."

\* Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"Sir, the object of Mr. Sami Venkatachalam Chetti can be better attained if the Government had the power of nominating at least two Members. The Government may nominate either Members of this Council or outsiders. Once the principle of nomination by Government is accepted it is better that they have the power of nominating at least two Members."

\* Mr. V. M. RAMASWAMI MUDALIYAR:—"Sir, I quite appreciate the intention of the hon. Member from Madras to give greater chances to outsiders being elected by the Legislative Council. But unless some seats are reserved for outsiders as such, human nature being what it is, the Council will certainly try to satisfy its own Members by electing them, rather than outsiders. I am practically certain that only Members of the Council will get elected. Therefore, while appreciating the position taken up by Mr. Sami Venkatachalam Chetti in this matter, I think, in order to secure the very object for which he pleaded, it is much better that power is vested in the Government to nominate two Members of the Committee. Because it is only then, taking into consideration the fact that all the Members of the Committee are Members of the Council that the Government will have a chance to appoint outsiders to the Committee."

Mr. T. S. RAMASWAMI AYYAR:—"Sir, from the remarks made by the hon. Member for North Arcot, I am surprised to see that he places more faith in the executive than in the legislature of which he is a Member. The Council is certainly the best body to elect representatives, it itself being a representative body elected by the whole Presidency. It is only in the fitness of things that this Council should elect four or five Members to sit on the Committee entrusted with the task of administering these endowments. If the Legislative Council cannot trust itself, I do not think we need sit here and discuss things at all. Why should the hon. Member fear that we will not be electing outsiders at all? Suppose five Members have to be elected. Even putting it at the worst, if three are elected from the Council, two at least will be elected from outside. I do not see what useful purpose will be served if we deny ourselves the power of electing the Committee and put it in the hands of the Government. I am particularly sorry



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(that the hon. Member who represents Labour should take up an attitude like this on a question concerning a democratic institution."

The amendment was put and lost.

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—"Sir, I move—  
*that the word "Hindu" occurring before the words "Members of the Legislative Council" be deleted.*"

"I think, Sir, that the principle enunciated in this clause is unique and undesirable. I am not aware of any other Committee elected by this Council where its members whatever their denominations and the religious principles they subscribe to, are denied the right of voting. I can understand the principle being enunciated that the members elected should be Hindus, but members of other denominations who have got seats in this Council, why they should be denied the right to elect members to this Committee, I for one do not understand. It is a very unfair provision. We who do not subscribe to the Hindu system of belief hold no partisan views and if anything at all, we will take a detached view of things not being interested in this or that party. (Mr. Sami Venkatachalam Chetti: 'That is your disqualification.') That is exactly our qualification, because Hindu Members may, under certain circumstances, take a partisan view. I think that this obnoxious and invidious distinction that is proposed to be set up by this clause should be removed. I therefore move that the word 'Hindu' be deleted and the usual procedure adopted in the matter of elections is adopted in this case also. It is stated here that the election should be by the method of proportional representation. We elect many committees here by the method of proportional representation. I am not aware of any case where the Council as a whole does not take part in such elections."

Mr. V. P. NARAYANAN NAMBIYAR:—"I second the amendment."

\* Mr. F. E. JAMES:—"Sir, it is difficult for one like myself to speak on a matter like this. But I should like as an individual member of this House to express my agreement with the idea underlying this amendment. I can understand a provision which said that the committee shall consist of members of whom so many shall be Hindus and shall be elected from among members of the council by the members of the council. But this principle of introducing separate electorates in this Council, I am surprised to see emanating from the hon. Member for Coimbatore. I very much doubt whether it is wise to adopt it. I may draw a rough analogy with what happened in the House of Commons on two occasions. First of all it will be remembered that when the discussion on the English prayer book took place in the House of Commons, it was suggested that members of the House of Commons who were not members of the Church of England should not take part in voting on that particular question. That suggestion was very warmly resented by the other members of the House on the ground that no one has any right to deprive an individual member of a legislature of his



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right of voting on matters that come before the House. Another analogy—again it is a rough one—is in regard to matters pertaining to the Church of England which are dealt with by a body known as the Church Assembly. I can understand the administration of temples, in detail at any rate, being taken out of the hands of the Legislative Council and being delegated, if you like, to a separate Hindu assembly which would be a subordinate legislative body of this Council. That is the principle which has been accepted in England with regard to the administration of the Church of England. But even in regard to that matter the House of Commons remains the sovereign legislative body on matters of general principle and the individual members of the House of Commons whether they be Atheists, Jews, Protestants, Roman Catholics or members of the Church of England, have the right of voting on matters which come before that assembly. Therefore, when I first saw this Bill a few weeks ago it did occur to me as to whether it would be wise to restrict the right of voting to one particular section of the House. I do not say we should follow slavishly the precedents of other assemblies, but I do suggest that this may give rise to further divisions in regard to matters that come before the House. For instance, when the question of wakfs comes before the House, it naturally occurs to one that the Muhammadan members of the House may wish to be separated from the rest in voting on that question. The matter might go to the extent of dividing the privileges of the House among the members of the different communities. I have taken part in this discussion with very great respect to the members of the House who are dealing with this matter. But I do venture to express, if I may, a mild doubt as to the wisdom of putting this particular disqualification upon the non-Hindu members of the Council, because, I fear that such a precedent if accepted might lead the House later on in other matters to follow the same example.”

\* Mr. SAMI VENKATACHALAM CHETTI:—“ Sir, I am afraid my hon. and esteemed Friend, Diwan Bahadur Arogyaswami Mudaliyar, has introduced, perhaps quite unintentionally, a very serious controversy in this matter. Sir, it seems we cannot rise above thinking politically always. If we have certain ideas with regard to the politics of this country, it looks as though we have got to introduce those ideas in all our aspects of life. That is rather a very narrow view of life. Life has got many more functions in this world than mere hankering after democratic representation and allied things. It is this confused thinking, this confused introduction of politics into every aspect of life that makes the conservative people object to interference with religion, religious institutions and religious customs. I dare say that most of the hon. Members are aware of the strong opposition which this Council encountered when the Hindu Religious Endowments Act was in the process of being made into law. One of the grounds of objection—and that was a very serious objection—to the passing of that measure was that once it was conceded that these temples and religious institutions could be interfered with by the Government, nobody could know or



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define to what extent that interference would extend. But a more enlightened opinion prevailed that the Government knew the limits of interference and that they would not go more than it is quite necessary and that the sanctity and integrity of these institutions would be kept up without importing secular and other material considerations in the administration of those institutions. That point being conceded, the Hindu Religious Endowments Act is being worked. Here and there there are protests made against interference with particular customs and usages. Particularly in Trichinopoly and Srirangam we are hearing of instances of the Board trying to introduce its own views with regard to the actual customs and rituals which are prevalent in those temples. But those objections have not yet taken any serious shape for us to bring to the notice of the Government that the Board is exceeding its powers. But that is a sufficient warning for the Government to know where they should stop and where the question of democratic representation ought to be limited. One of the reasons urged by my hon. Friend, Mr. Arogyaswami Mudaliyar, for omitting the word 'Hindu' and for making the electorate consist of people of all religions and castes is that they are better qualified to exercise the vote inasmuch as they are quite disinterested and that they are not likely to take a partisan view of things. But in the matter of representation, it is an axiomatic truth that it is only those who are interested in particular institutions that should vote. It is only such people whose interests are affected, it is only such people whose privileges have to be safeguarded, it is only such people who feel that these institutions are theirs, that should have a final say in a matter governing those bodies. The question of joint electorate, of communal electorate or special electorate does not come in. People who strongly believe that joint electorates are good for the country, can certainly take the other view that so far as religious and communal institutions are concerned, they should be masters of their own household. Simply because we have been advocating joint electorates with regard to certain representative institutions, it does not follow that the same principle should be followed in the regulation of family affairs. Simply because we have conceded that joint election is good for the country, it does not mean that we should allow our family affairs to be regulated by people not belonging to the family. That will be carrying the analogy too far and it would make the whole position too absurd.

"My hon. Friend, Mr. Arogyaswami Mudaliyar, said that he had not come across instances where certain sections of the House were denied the right of voting. I am afraid he has forgotten many such instances in this Council. In the first place, for the election of non-official Members of this Council for the Finance Committee, the official block is excluded from exercising its vote. That is so, because it is recognized that those people whose right has to be safeguarded and whose interests are to be represented in a particular body, should not be interfered with by any other group or block which has no such interest. Again, for the election of Members to the Senate of the Andhra University, it is not only officials that are excluded from voting but also all



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those who do not happen to reside in the districts comprising the Andhra University area are not entitled to vote. It is quite reasonable and quite consistent with the existing practice with regard to institutions to which representatives are elected by this Council. I only beg that those hon. Members who are under the mistaken impression that their views with regard to joint electorates and special electorates might come into conflict with the view that they should vote for the retention of the word 'Hindu,' would view the matter in quite a different light. They should consider whether they would permit other people to interfere in these elections. I do not think the Muslims are going to allow Hindu Members to vote when any question affecting their institutions exclusively, comes before the Council. Having regard to their own interests, having regard to the prospect of the same thing being repeated when their properties and religious institutions come for legislation, it is desirable that the Muslims should, even now, not interfere with the electorates intended for Hindu religious institutions. I beg my hon. Friend, Mr. Arogyaswami Mudaliyar, not to press his amendment; he may be academically speaking on mere principles and everybody would like to take part in the discussion. With regard to those institutions, people are guided more by faith than by other considerations. The introduction of this provision will be very mischievous."

\* Rao Bahadur Sir A. P. PATRO:—"Sir, I am very much in sympathy with the earnest desire of the hon. Member who wishes to see that no distinction should be made among the Members of this Legislature. Indeed he has rightly brought to the notice of the House that it should not make any such distinction. I am a cosmopolitan; I am, therefore, entirely in sympathy with his views. If it is possible for Hindus to be elected to Committees or Councils of Christian Churches, we will not have any grievance at all. These religious denominations have particular functions to perform; they have definite duties. Hindu customs and Hindu worship have definite forms and methods. It is not a purely political matter that we are considering now. . . ."

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—"May I correct my hon. Friend? He is mixing up matters. His objections will be quite all right if I asked for the omission of the word 'Hindu' in clause 7. We are considering clause 6."

Rao Bahadur Sir A. P. PATRO:—"I am speaking of the electorate. We understand him much better than himself. He does not know where he is, because he is very vague. We are quite definite in our position; we say that in accordance with precedents only the Hindu electorate of this House should take part in those elections."

"Then my hon. Friend representing the Planters referred to the analogy in the House of Commons. I find he is not in his seat now. I hope he has studied the composition of this House and that of the House of Commons. The House of Commons is composed of Christians only. But here this House does not consist of Hindus only but of people of various religions. Therefore the analogy to which the hon. Member referred, does not hold water; his other remarks are not quite



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relevant to the case. You will find in clause 17 that the functions of this Committee are defined; one of the functions is to arrange for the conduct of the daily worship and ceremonies and of the festivals in every temple according to its usage. The functions of the Committee are not only to manage the properties and affairs of the devasthanams but also to arrange for the conduct of the worship, ceremonies and festivals. No Christian or Mussalman Member can possibly be an elector to a Committee which has to supervise the festivals and ceremonies relating to the temples. Therefore, the provision rightly says that only Hindu Members who are concerned with these temples, should elect Members to the Committee. No more argument is necessary, because the position is very plain."

\* Sriman M. G. PATNAIK Mahasaya:—"Sir, I want to make a few remarks on this point. If you will just recall the circumstances under which the management of this temple was transferred to the Mahant, you will find that it is not on account of the narrowness of the Hindu religion that this temple was transferred but because of the pressure of the Christian missionaries. At that time, Christian missionaries supposed that those who were administering the country on behalf of the East India Company were subscribing to idolatry if they were managing or supervising these temples. Those Christian missionaries thus showed their narrow-mindedness. It was only on that account that the management was transferred to the Mahant. If Government had not withdrawn from the management of the temple then, the management would not have changed now. In that case, there would have been no difficulty at all. Previously, I believe the Nawabs of the Carnatic were supervising the management of these temples. If that is so, there is absolutely no reason why Muhammadans or Christians should not take part in the election of only Hindu Members. I do not see why any Hindu should object to it. Anybody who would object to this proposition would not be considered to be liberal or large-hearted. I think Hindu religion is very liberal. It was only on account of the narrow views of the Christian missionaries that Government withdrew from the management. If Christians or Muhammadans show themselves large-hearted now, let them take part in the election to this Committee. Of course, you have given power to the Government to nominate certain Members to this Committee. Supposing my hon. Friend, Mr. Arogyaswami Mudaliyar, becomes a Minister and is in charge of these religious endowments, or supposing that all the three Ministers are Christians, they may nominate members. Therefore, how can anyone object to Mr. Arogyaswami Mudaliyar taking part in the election?"

"Now look at the question from another stand point. All matters connected with temples go to Courts. For instance, questions regarding election of members may go to courts. Do you always see Hindus there as freely as you see many Muhammadan and Christian Judges in the District Courts and the High Court? Did not this very institution go up to the District Court, the High Court and to the Privy

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Council? Are all those Judges there Hindus? You subjected this institution to the decisions of those Christian Judges; I do not see how you can object to this amendment now. The Muhammadan and Christian Members of this Council have simply to say whether particular persons should be elected or not. They simply take part in the election. Of course, these Christian and Muhammadan Members won't go into the temple. For the matter of that, suppose all these seven persons happen to be non-Brahmans. These people would not be allowed to go into the inner temple in order to supervise the worship there; that will be considered objectionable. Or you may have representatives of the depressed classes. Would you allow any of these people to go into the inner temple? I fear that cannot be done. If that is so, there is absolutely no reason why Muhammadans and Christians should not take part, if they wish to, contrary to what their ancestors did previously; I think Hindus should welcome such an attitude on their part and not show themselves as illiberal."

\* Mr. K. P. RAMAN MENON:—"Mr. President, the point has been very much obscured by dragging in the ancient history of the institution and also the point as to what the Hindus expect the Muhammadans to do and other things. If one looks into the provisions of this clause, one can see more or less that only the Hindus can partake in the election of the Members of the Committee. First of all, what was thought necessary was to have an elected Committee. We started with that—whether it was to be seven or eight or four members, we wanted an elected Committee. Then the question arose: who was to be elected to that Committee? It was mentioned that the Committee should consist of persons professing the Hindu faith. Then the question was: who were the persons to elect members to that Committee? Naturally, it was the whole Hindu electorate, comprising the Hindu residents of the province. But we have not got the necessary machinery to bring them together and to make them elect the particular persons who are to form the members of the Committee. On the other hand, we have their representatives in the Legislative Council, the Hindu elected Members of the Legislative Council. So, probably, the framers of this section hit upon the idea of falling back upon the Hindu Members of this Legislative Council who are elected by the Hindu electorate of this province, to form the electorate for the election of the members of the Committee. This evidently is the genesis of the section and there is absolutely nothing therein to suggest that the Christians and Musalmans will not have the mental equilibrium to choose the right person for the right office, and so on. We need not introduce all those complications here. If we only analyse the section, if we see what is the basic idea contained in the section, we can easily find that it is to have Hindu Committee Members elected by the Hindu public of the entire Presidency. In the absence of such an electorate, there are the Hindu Members of this Legislative Council which body forms a good electorate. That is the whole point, and there is no necessity to confuse that with the other larger questions as to whether persons who



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want joint electorates can come into this electorate, whether we should not allow Muhammadans and Christians to associate with us in this respect especially when the Nawabs of the Carnatic and the East India Company were administering Hindu temples, and so on. All these questions are not quite relevant. I submit if on these lines the origin of the section is thought out, there will be no difficulty in inducing Mr. Arogyaswami Mudaliyar to withdraw his amendment."

\* Mr. V. T. ARASU:—"Sir, I rise to give support to the amendment moved by the hon. the Floor Leader of the Opposition. I am surprised at the attitude taken up by the hon. Member from Ganjam, Sir Patro, and the hon. Member from Madras, Mr. Sami Venkatachalam Chetti. Firstly, Sir Patro was confusing and confounding the issue when he said that non-Hindu Members should not be given any hand in the management of the temple. If you will carefully read the amendment of Mr. Arogyaswami Mudaliyar, you can find that the amendment relates only to the electorate and not to the Members of the Committee. All that the amendment seeks to do is that the Legislative Council, as a body, should be empowered to elect four Hindu Members to serve on the Committee of this devasthanam. What objection can there be to this proposal? And I contend that there can be no objection to non-Hindu Members being included in the electorate. In this, I am supported by precedents. If Sir Patro would only refresh his memory, he would remember that during the time when he was himself a Member of the Madras Cabinet—I believe it was in the year 1923—the Hindu Religious Endowments Act was passed. If you analyse the division list by means of which that Act was passed into law, you will find that quite a large number of the Mussalman and Christian Members of this House participated in the division, and that but for their votes, the Hindu Religious Endowments Bill which was introduced by the Raja of Panagal would not be on the Statute Book to-day. Sir, when you seek the help of the Christian and Mussalman Members of this Council to pass an important law concerning Hindu religious institutions, and when with their votes you manage to pass it into an Act, what objection is there to allow Christian and Mussalman Members of this House to participate in the election of a Committee? The bogey of religion in danger now comes in.

"Then the hon. Member from Madras said that we must not import political ideas into this matter which is essentially religious. Yes, I am in agreement with the hon. Member. But, Sir, I can understand if this power of constituting a Committee is vested in the hands of a religious body—say some Sabha of Ayyangar Brahmans of Tirupathi. On the other hand, the power of constituting this Committee is vested in a non-religious body, and a body which is pre-eminently political, the Legislative Council. Therefore, I ask the hon. Member from Madras, whether he is prepared to introduce separate electorates in a political institution. This is not a religious institution. In a



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political institution like this, he advocates the introduction of communal electorates by which he would exclude Christian and Mussalman Members from participating in the election of members to the Committee of the Tirupati temple.

“ Lastly, Sir, one thing which I should like to bring to the notice of this House is this: that is, the analogy of the House of Lords in the English Parliament. Hon. Members of this House know that the House of Lords in England constitutes the supreme appellate authority. Though it consists of all sorts of people not well-versed in law, still it constitutes the supreme appellate authority in the Realm. When appeals come before the House of Lords, the lay Lords as they are called, simply clear out of the House and leave the Law Lords alone to come to a decision on such matters. In the same manner, I think when it comes to a question of actual election of members to this Committee, the non-Hindu Members of this House will have the good sense to abstain from voting. That is quite possible. But I am opposed to the idea of statutorily invalidating them from taking part in the election. For these reasons I appeal to this House to accept the amendment of the hon. Mr. Arogyaswami Mudaliyar.”

\* Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—“ Sir, I am indeed sorry that this amendment should have been moved. I fear there is a lot of confusion with reference to the object of what is proposed to legislate here. We are not here giving power to the Legislative Council as such to nominate members. That seems to be the idea with which the present amendment is moved. If, for instance, the power of management of this particular temple is vested in the Legislative Council and it is to appoint some deputies to manage the temple on behalf of the Legislative Council, I think then the amendment would be the proper thing to be moved here, and certainly nobody who objects to that will be in the right. But what is proposed here is not the giving of any power of nomination to the Legislative Council as such, but the formation of a convenient electorate for electing persons to manage this institution. Various proposals were made before the Select Committee in this regard; one was to give seats to the different districts, so that Members might be elected in the same way as members of temple committees are elected—i.e., by the same electorate. Another proposal was that the districts around Tirupati should be given the same power, and it was felt that as the temple is a very important temple in southern India, those who elect persons to this Committee should be persons belonging not only to one district, but to several districts. In regard to this, it was thought that it would not be possible to arrange for an electorate sufficiently wide for electing members to this Committee. It was therefore felt that that power might be given to the Hindu Members of the Legislative Council, not as Members of the Legislative Council, but as persons chosen by the larger Hindu electorate. That was the idea. Simply because we could not find any other arrangement by which to bring together a sufficiently



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large number of electors to elect members to this committee, we hit upon this idea of having people who are already elected by the several districts, as the electors in a sort of secondary election. That was the idea with which this proposal was made—not that any special powers were sought to be given to the Legislative Council as such. I, therefore, beg to submit that the amendment now moved does not take into consideration that governing idea with which the provision was made in the Bill.

“Then, Sir, it is also forgotten that we are not here legislating for ourselves. Sir, religion is a very delicate matter; and so far as the ordinary people are concerned, they feel very strongly in such matters. I put it to my hon. Friends of the Muhammadan religion and even of the Christian religion—which is supposed to be more advanced—whether they would tolerate or will be prepared to allow the managers of their mosques or their churches to be elected by Hindus. I am yet to know of a Christian institution in which the Church Council is elected by members of the Hindu community. (Diwan Bahadur R. N. Arogyaswami Mudaliyar:—But this is a Legislative Council!) True. To say, Sir, that the members of the committee of management of a Hindu temple should be elected by persons who do not belong to the Hindu religion is a thing which would not be liked not only by the Hindus but by the Muhammadans and the Christians as well who feel deeply on religious matters; it is not a thing which they will endorse. So, it seems to me that this particular amendment has been based on a false conception of the idea with which the provision has been introduced in this clause. I hope, Sir, my hon. Friend will not press it.”

\* Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—“Mr. President, I am sure that every Member of this House is aware that it is only in recent years that measures of this kind are moved in the Legislative Councils of the country. Some years ago, when measures of this kind were brought forward either by the Government or by private Members of the Council, every one said that religion was in danger. In recent years, Government have taken the right view to bring forward measures to improve institutions and private members also have taken advantage of it. In matters of this kind, one has to go very cautiously. We have to take not only the feeling of this House, but that of the Hindu public outside also. I am, like my hon. Friend, Sir Patro, in full sympathy with the objects of the amendment moved by my hon. Friend, Mr. Arogyaswami Mudaliyar. But I am here as representing the general Hindu public and I must voice forth what the feelings of that community will be if non-Hindu Members of the Legislative Council are allowed to take part in the matter of election of members to the committee. All the hon. Members of this House have been taking part in the discussion on the Bill—every Member of a legislative body has a statutory right to take part in the discussion—in shaping this Bill and bringing it into an Act. After that has been done, I am afraid, in working out the Act, and in giving effect to the Act, the non-Hindu Members who have nothing to do with any institution for which a committee is to be formed, if they are allowed to

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pm



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take part, there will be considerable resentment among the general Hindu public. It is their feeling that we have to take into account in matters of this kind. In another five or ten years, it is quite possible that the feeling of the general public may change, but we have to look at it from the point of view of as to how it would be taken by them at present. When that is considered, I am afraid the feeling will be in favour of the clause as it stands and it will surely be against the amendment proposed by my hon. Friend Mr. Arogyaswami Mudaliyar.

"Sir, I am surprised at the attitude taken by Mr. V. T. Arasu. If to-day a referendum is issued I am sure that 99 per cent of the Hindu voters of the city will say that the non-Hindu Members of the Legislative Council should not be given the right to take part in the election of members to the committee. So, Sir, I oppose the amendment."

\* Rao Sahib V. I. MUNISWAMI PILLAI:—"Mr. President, Sir, I rise to support the amendment of my hon. Friend Mr. Arogyaswami Mudaliyar. There are many reasons why I should support the amendment. When the Hindu Religious Endowments Act was brought into force, a member of my community sat on the Select Committee and they made certain rules whereby the district boards and municipalities could return Hindu members to the temple committees from among themselves. But if any member were to take a census and find out whether any depressed class member, who is also a Hindu, was ever returned to any of the temple committees, the answer will be 'No'. It was Dr. Subbarayan who was bold enough to nominate some of the members of the depressed classes to the various temple committees, when he was in office. Now, due to some law, even that nomination has been stopped. After all, the amendment seeks to give power to Members of the Legislative Council to choose Hindu members for a committee that is going to manage the affairs of the Tirumalai-Tirupati Devasthanams. That being the case, I do not see any reason why all the Members of the Legislative Council should not be given a chance to take part in the election. If this amendment is allowed, I think, Sir, the depressed classes also will find a place in those committees. Now, under the garb of custom, though we are Hindus—taking my own case, I am a Vaishnavite—if we like to go to Tirupati to worship the deity, there is no chance? I do not blame the Hindu Members of the Legislative Council; I have a great regard for them and I hope they will have a better chance of going to those committees."

Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—"Mr. President, Sir, I am surprised to see members of very advanced views like my hon. Friend Mr. Sami Venkatachalam Chetti coming forward to oppose this very reasonable amendment. My hon. Friend Mr. Sami Venkatachalam complained of confusion of ideas on the part of the hon. Mover of the amendment, but I think he himself has confounded it still further and made it worse still. First of all the word 'Hindu' is not defined. I wish to know whether some of us who are Brahmos including Sir A. P. Patro, are Hindus. (Loud laughter from the opposition.) That is



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indeed very vague. The comparison made by Sir A. P. Patro about the English Parliament is not quite correct. He said that the Parliament consists only of Christians but he is quite mistaken. As a matter of fact, there are several Jews, and even Parsees and Muhammadans are also there. If the minority communities do ask for separate electorates, it is only because the election outside is done by illiterate masses, who cannot distinguish things properly. But, here the election is to be made by enlightened representatives of the people who compose this House. Now, hon. Members here trying to introduce communal electorates in this Council also is really surprising. If the Hindus want separate electorate for electing members to a committee which is to deal with matters concerning Hindus, the Christians may also require another Christian electorate; so also the Muslims and Adi-Dravidas. And we Brahmos also may require our own electorate and so there will be no end to all this confusion worst confounded. I therefore hope that my hon. Friend Mr. Sami Venkatachalam and others will not oppose, but will kindly support the very reasonable amendment moved by Mr. Arogyaswami Mudaliyar."

\* Rao Bahadur A. T. PANNIRSELVAM:—Mr. President, Sir, as one who believes in separate electorates as the most efficient means of securing true and correct representation, I feel that I should oppose the amendment moved by the hon. Diwan Bahadur Arogyaswami Mudaliyar. The institution that has to be administered by this committee being Hindu it is but right and proper that it should be managed by persons who are truly and wholly Hindus and who represent the Hindus alone and it is therefore in the fitness of things that the electorate that is to return members to the committee should be exclusively Hindu. The Tirumalai Devasthanam is a Hindu pie and why should Christians or the Muslims want to dip their fingers in it. It is the affair of the Hindus and they have to manage things for themselves.

"Again, Sir, I find from the report of the Select Committee that the annual revenue of the devasthanam is somewhere about 16 lakhs of rupees and may I ask, Sir, if there is one Christian or one Muslim in this House or even outside who contributes a single pie towards the devasthanam funds. It is their money contributed exclusively by the Hindus. Why then should the Christians or the Mussalmans be anxious to have a voice in the management of that devasthanam. I do feel strongly, that being a Hindu institution, it should be wholly and exclusively Hindu. In this connexion my hon. Friend Mr. Ramalingam Chettiyar from Coimbatore put a very pertinent question. He asked us if there can be a single Muslim or for that matter a single Christian who would agree to the Hindus forming part of the electorate to any Council that might be formed to administer a Christian charity or a Muslim charity. As a Catholic myself, I hope that there would be no occasion for any State interference with the affairs of my church but if there should be any occasion for such interference at all, I should certainly not desire that the Hindus, the Muslims or even the



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Protestant community, should have anything to do with it. That is a matter concerning myself and the people of my faith alone should have a voice in it. Therefore, it is but right and proper that the Hindus should claim and form their own electorate in this matter.

“It may perhaps be thought unfortunate that the Christian representative of the City should have raised this debate. But, at the same time, I believe it has had its purpose in this way. It should have given him an insight into the mentality of his Hindu colleagues on the other side of the House. I could understand my hon. Friend and Leader, Sir Patro assuming the attitude he did, belonging as he does to a party which believes in each section of the community being given the right to manage its affairs in its own way and he has been perfectly consistent. However agreeing as I do with my hon. Friend from the City, Mr. Sami Venkatachalam Chetti, I cannot help expressing my surprise at the attitude he has adopted. That at least shows the way in which his mind works. If it be a case of his interests being affected, he says to you all to pause, but if your interests are at stake, he says ‘Let me also have my finger in the pie.’ I hope this will prove a ‘moral lesson’ to my friend Mr. Sami Venkatachalam Chetti and also to my hon. Friend Diwan Bahadur Arogyaswami Mudaliyar.”

Mr. ABDUL HAMEED KHAN:—“Mr. President, Sir, I am afraid that there has been some misunderstanding with regard to the attitude of the Mussalmans generally in this House. I understand that this is purely a religious question, but it affects Hindu temples and Hindu charities. In purely Hindu institutions of that kind, I believe that neither Muslims nor Christians have any right either to elect members or to serve on the committees of those temples. Of course, a very pertinent question was asked by my hon. Friend Mr. Ramalingam Chettiar, namely, whether the Muslims and the Christians would allow non-Muslims or non-Christians to sit in their committees or even for that matter to elect members for such committees. I agree with him that they will not do so. But, Sir, when the Select Committee to consider this Bill was formed, I was of the opinion that there was no place for Muslims or Christians even on that committee, but to my surprise both Muslims and Christians found their way into the committee either due to the pressure of the Hindu members or of their own accord. Somehow, the committee met and it has come to a decision. Of course, there is no doubt that we ought, as far as possible, not to divide this House into groups. If it were a political matter, I should certainly not have been a party to forming separate groups for purposes of election, but I find, in this case, it is a purely religious question. So, I do not think that either the Muslims or the Christians have any place either in the electorate or much less on the committee. Therefore, Sir, I am afraid, I have to oppose the amendment of Mr. Arogyaswami Mudaliyar.”

Mr. M. A. MUTHIAH CHETTIYAR:—“I move—  
‘that the question be now put’.”

Mr. SAMI VENKATACHALAM CHETTI:—“I second it, Sir.”



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\* Dr. P. SUBBARAYAN:—"Mr. President, Sir, I had no intention of taking part in this debate. Really speaking all this trouble would not have arisen if the Members of the Select Committee had considered the matter whether the Legislative Council was the proper constituency for electing the members of the governing body of this temple. In fact, they have adopted this wrong constituency, and that is the real cause of all this trouble. When once you have decided to have the whole Legislative Council as the constituency, I think it is but proper that all the Members should have the vote. I am sorry to see Mr. Sami Venkatachalam Chetti and Mr. Ramalingam Chettiar, whom I have taken to be opponents of communal electorates of all kinds standing in their seats here and supporting this motion. I am glad, Mr. Pannirselvam has explained to them their real position. (Hear, hear.) I hope next time when they rise in their seat they would be at least careful to be consistent with the political theories they put forward. (Laughter.) But once when they have come to this Council and when once they have made this Council the electorate for electing members of the Devasthanam Committee, it is but fair and just that all Members of the Council should be given the right to elect. I am sure my hon. Friend, Mr. Arogyaswami Mudaliyar, does not go beyond that. He does not want to elect a Christian, or a Muhammadan, or a European for the matter of that, to be a member of the managing committee of a Hindu temple. What he says is, once you have made the Legislative Council the constituency, he being a Member of the Legislative Council, he should have the right to vote for a Hindu Member. I think he is quite right. (Hear, hear.) If you don't want to give a vote to Members of the Council other than Hindus, then devise a different electorate a Hindu electorate. But when once you are making the Legislative Council as the electorate I for myself would vote for every Member of this Council having a right to elect members to this Committee." (Hear, hear.)

\* The hon. the PRESIDENT:—"I take it the House is now ready for a vote. The question is—

*'that in clause 6 (1), the word "Hindu" be omitted'.*"

The amendment was put and declared lost. Diwan Bahadur R. N. Arogyaswami Mudaliyar demanded a poll and the House divided thus:—

### Ayes.

- |                                                |                                      |
|------------------------------------------------|--------------------------------------|
| 1. Sriman M. G. Patnaik Mahasayo.              | 6. Mr. F. E. James.                  |
| 2. Dr. P. Subbarayan.                          | 7. " V. T. Arasu.                    |
| 3. Diwan Bahadur R. N. Arogyaswami Mudaliyar.  | 8. " H. M. Jagannatham.              |
| 4. Khan Bahadur Mahmud Schamnad Sahib Bahadur. | 9. Rao Sahib V. I. Muniswami Pillai. |
| 5. Mr. V. P. Narayanan Nambiyar.               | 10. Rao Bahadur R. Srinivasan.       |
|                                                | 11. Mr. G. R. Premayya.              |
|                                                | 12. S. M. K. Beyabani Sahib Bahadur. |



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## Noes.

- |                                                          |                                             |
|----------------------------------------------------------|---------------------------------------------|
| 1. The hon. Khan Bahadur Sir Mahmud Usman Sahib Bahadur. | 28 Mr. T. Narasa Reddi.                     |
| 2. „ Diwan Bahadur Sir M. Krishnan Nayar.                | 29. „ R. M. Palat.                          |
| 3. „ Sir Archibald Campbell.                             | 30. The Raja of Bobbili.                    |
| 4. „ Mr. H. G. Stokes.                                   | 31. The Kumara Raja of Venkatagiri.         |
| 5. „ Diwan Bahadur S. Kumaraswami Reddiyar.              | 32. The Zamindar of Mirzapuram.             |
| 6. „ Mr. P. T. Rajan.                                    | 33. Mr. M. A. Muthiah Chettiyar.            |
| 7. „ Diwan Bahadur B. Muniswami Nayudu.                  | 34. „ A. V. Bhanoji Rao.                    |
| 8. Mrs. K. Alamelumangathayaramma.                       | 35. „ J. A. Davis.                          |
| 9. Mr. C. E. Jones.                                      | 36. Rao Sahib P. Subrahmanyam Chetti.       |
| 10. „ J. A. Thorne.                                      | 37. Mr. D. V. Narasimhaswami.               |
| 11. „ H. M. Hood.                                        | 38. „ K. Kesava Ramamurti Nayudu.           |
| 12. „ R. Madanagopal Nayudu.                             | 39. „ Mahboob Ali Baig.                     |
| 13. „ S. H. Slater.                                      | 40. Rao Bahadur T. A. Ramalingam Chettiyar. |
| 14. „ E. Conran Smith.                                   | 41. Mr. Sami Venkatachalam Chetti.          |
| 15. „ T. Sundara Rao Nayudu.                             | 42. Rao Bahadur T. M. Narayanaswami Pillai. |
| 16. Khan Sahib Syed Tajuddin Sahib Bahadur.              | 43. Mr. M. A. Manikkavelu Nayakar.          |
| 17. Mr. K. P. Raman Menon.                               | 44. „ A. B. Shetty.                         |
| 18. Rao Bahadur A. T. Pannirselvam.                      | 45. „ G. Simhachalam Pantulu.               |
| 19. Rao Sahib N. Siva Raj.                               | 46. „ Abdul Hameed Khan.                    |
| 20. Subadar-Major S. A. Nanjappa Bahadur.                | 47. „ A. Pl. N. V. Nadimuthu Pillai.        |
| 21. Diwan Bahadur C. S. Ratnasabhapati Mudaliyar.        | 48. The Pattagar of Palayakottai.           |
| 22. „ M. Gopalaswami Mudaliyar.                          | 49. Mr. U. C. Subrahmanya Bhatt.            |
| 23. Mr. B. P. Sessa Reddi.                               | 50. „ K. S. Sivasubrahmanya Ayyar.          |
| 24. „ M. S. Sreshtha.                                    | 51. „ K. Singam Ayyangar.                   |
| 25. „ P. C. Moses.                                       | 52. „ A. Ranganatha Mudaliyar.              |
| 26. „ C. Indriah.                                        | 53. „ C. R. Parthasarathi Ayyangar.         |
| 27. „ P. Bayappa Reddi.                                  | 54. Rai Sahib C. Kolanda Reddi.             |
|                                                          | 55. Mr. J. Kuppuswami Choudari.             |
|                                                          | 56. „ O. Satyanarayana Choudari.            |
|                                                          | 57. Rao Bahadur Sir A. P. Patro.            |
|                                                          | 58. Diwan Bahadur S. Ellappa Chettiyar.     |
|                                                          | 59. Mr. G. Sriramulu.                       |

## Neutral.

- |                                                 |                                  |
|-------------------------------------------------|----------------------------------|
| 1. Diwan Bahadur Sir Alladi Krishnaswami Ayyar. | 6. Mr. Daniel Thomas.            |
| 2. Mr. V. M. Ramaswami Mudaliyar.               | 7. Swami A. S. Sahajanandam.     |
| 3. „ M. Devadasan.                              | 8. Ahmed Miran Sahib Bahadur.    |
| 4. „ P. V. Rajagopala Pillai.                   | 9. Mr. K. A. Nachiyappa Gounder. |
| 5. Rao Sahib V. Dharmalingam Pillai.            | 10. „ K. Koti Reddi.             |
|                                                 | 11. „ F. J. Stanes.              |

Ayes 12.

Noes 59.

Neutral 11.

The amendment was lost.

\* Mr. C. SATYANARAYANA CHOUDARI:—“ Mr President, Sir, I beg to move—

*“ In line 1 for the word “ seven ” substitute the word “ nine,” and after the word “ determine ” insert the words “ who shall be elected by the Advisory Council consisting of the representatives of the ryots of the devasthanams ” referred to in clause 28.’*

“ Now, Sir, this amendment is based upon the very first principle of democracy, namely, no representation, no taxation; where there is taxation there ought to be representation. Now, Sir, this principle is also a principle of commonsense. It is only fair that a person who pays a tax ought to have an effective control over the expenditure of the money that he pays. There are about



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four taluks belonging to the Tirupati Devasthanam. The ryots living in these taluks pay by way of taxes an amount of nearly seven lakhs. That is nearly half the total annual income of the devasthanam, which is about 16 lakhs. My amendment seeks to secure for the ryots of these four taluks effective representation on the committee proposed under the Bill, the proposal being that two of the places on the committee should be filled up by election by the ryots of the Advisory Committee provided for in clause 28 of the Bill. As it stands, the Bill makes no provision for an effective voice for the ryots residing in these four taluks belonging to the devasthanam. Therefore, Sir, I beg to move that my amendment be accepted by the House."

\* Mr. V. T. ARASU:—"Sir, I have great pleasure in seconding the motion of my Friend, Mr. Satyanarayana Choudari. Sir, it is but proper that those who contribute towards the income of the temple should have a voice in its management. The total income of this devasthanam is estimated at about 16 lakhs, of which nearly seven lakhs are contributed by the tenants in the zamindari area. Therefore I submit that those who contribute as much as about 50 per cent of the total revenue should be given a voice in its expenditure by giving them at least two seats in the proposed committee."

\* Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"Mr. President, Sir, the object of the Bill is not to safeguard the interest of the ryot, but it is to safeguard the interest of the temple. If the ryots are to be given a representation, then I am afraid the interests of the temple would be very much affected. The committee has to decide very many questions affecting the tenants and ryots of the devasthanam, and if, in that committee, representation is to be given to the ryots then there will be on the committee persons who will influence the other members, which may be detrimental to the interests of the temple. For this reason I oppose this amendment. Further with a view to help the cause of the ryots there is the Advisory Committee, to which proper representation has been conceded to the ryots. The representations of this committee will be given due weight by the general committee. For these reasons I oppose the amendment."

\* Mr. M. A. MANIKKAVELU NAYAKAR:—"Sir, I also oppose the amendment. Because the people who ought to have a voice in the management of the institution should be the general public, that is, the worshippers, and so I do not know why the ryots as such should have any voice in it. The ryots as worshippers will have a voice in the management of the institution, and they will represent their views. The ryots are the electors for the Legislative Council. As such they have ample scope to represent their views. If the amendment is accepted it will amount to this. Suppose a bungalow or a house is bought from the devasthanam funds and that house is let; then the tenant also will want to have a voice in it as he is the tenant of the house bought from the devasthanam funds. Such a thing will be unthinkable. The whole thing was considered in the Select Committee stage, and finally the Select Committee came to the conclusion that the



[Mr. M. A. Manikkavelu Nayakar] [3rd August 1932]

ryots' position was amply safeguarded. Therefore I don't think this amendment is necessary."

4 p.m. Diwan Bahadur M. GOPALASWAMI MUDALIYAR:—"I rise to oppose the motion for the reason that the argument advanced is fallacious. Persons who pay homage (kanika) come not only from three taluks but from various parts of India. If that principle is advocated the whole of India has got to be constituted into a constituency. Therefore it is certainly unworkable. It is not practicable. The other argument also seems to be fallacious. As pointed out by Mr. Rathnasabhupati Mudaliyar, the rate-payers of these taluks are people interested in the devasthanam properties in that they happen to be tenants and they will always be amenable to local influence. So, we will be ill-advised to give any representation to them."

\* Mr. C. SATYANARAYANA CHOUDARI:—"I am really surprised at the attitude of the Mover of the Bill and Mr. Gopalaswami Mudaliyar. There are two classes of people here, Sir—the general worshippers who may pay or who may not pay and whose contribution is of a doubtful nature. The only amount about which the devasthanam can be sure of, is that contributed by the ryots. We are providing representation in this Bill to those general worshippers whose contributions are of a doubtful nature by providing four seats through the Legislative Council. It is really unfair that this Council should have any objection to make provision for the representation of the ryots whose contribution is the only guaranteed income for the devasthanam. Section 37 of the Bill provides for the expenditure of the surplus amounts that may be found available after meeting the necessary customary expenditure of the temple. I once more beg to submit it is but fair and reasonable that the ryots inhabiting the four taluks who contribute such a large sum as seven lakhs which comes nearly to half of the total income ought to be provided a place on the committee so that they may have some voice in the way of administering these surplus funds as contemplated by section 37. The hon. Mover of the Bill and others who opposed it have not given any cogent reasons why this amendment should not be accepted. When they contribute such a large amount as seven lakhs we will be perfectly justified in providing them with seats on the committee. Therefore I once again appeal to the House to take a more reasonable and practical view of the matter and accept my amendment and do justice to the ryots."

\* Mr. G. SIMHACHALAM PANTULU:—"I am really sorry to have to oppose the amendment. The suggestion made is neither sound in principle nor a workable proposition. If elections are conducted and representation is to be given surely this institution will never work. It must be placed in the hands of disinterested persons. Persons with vested interests ought not to be given a place. Here there is no question of the administration; it is only management of the affairs of a trust and disinterested people ought to be there. For the ryot to claim a voice in the administration of affairs there is absolutely no justification. It is not their own money. It is the money of the shrine.



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I do not see why the ryot should have a voice in a matter like this. As one connected with religious institutions I think if representations are given on democratic lines it will not only not work properly but will also work havoc."

The amendment was put and lost.

Clause 6 was put and carried.

Clauses 7, 8, 8-A, 9 and 10 were successively put and carried.

Clauses 11, 12, 13, 14, 15, 16 and 17 were then successively put and carried.

*Clause 18.*

\* MR. SAMI VENKATACHALAM CHETTI:—"I beg to move—

*"In clause 18 between the words "Commissioner" and "who" insert the words "from among the officers in service of the Government".*

"The object in bringing this motion is to see that the selection for commissionership of the devasthanam should be restricted to those who are in the active service of the Government. This point was placed before the Select Committee and the Select Committee was pleased to agree to that provision in the first instance. But latterly it revised its opinion and omitted that restriction. My objection to appointments being made from outside the active Government service is this. In the first place, when we decide to transfer the power of management of a big estate like this from one individual to a body on the ground that the administration of a single individual is liable to be abused and is liable to lead to several instances of mismanagement it is necessary for the Council to take care that the change we are proposing to-day will not lead to the same defects and to the same abuses. In the case of the Mahant, who has been managing this institution, no specific instance of mismanagement could be proved against him. There is a general belief that the power vested in a single individual is liable to abuses and we are thoroughly justified in such assumption. The Bill now makes provision for the appointment of a committee in the place of the Mahant. The powers exercised hitherto by one single individual are to be exercised by a body and that body would be a controlling body, the chief executive function vesting with the commissioner. These committees, however efficient they may be and however representative they may be, cannot be expected to exercise the executive functions in as efficient a manner as one individual under their direction would be able to do. Naturally, therefore large powers will devolve upon this executive officer. We therefore expect that executive officer to be a thoroughly honest, active and efficient man. Of course these are the characteristics which might be claimed by any individual that may be appointed and these are the characteristics which are called for by the employers. We are not quite so helpless as to rely mainly upon the claims made either by the appointor or upon the claims made by the appointee. There are certain services which would guarantee to us certain amount of honesty and efficiency, such as a Government service. Government service ordinarily



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P.m. ensures a certain amount of check. The officers in Government service do always look to their promotion, emoluments, increments and pensions by their good conduct and their honest and efficient service. They are not such free lances as those who are not in Government service. There is no guarantee that those people who are not in Government service and who may be appointed as commissioners, if ever they commit wrong, will be accountable to any superior authority. But in the case of Government officers there is the system which regulates their conduct, and people will have the confidence and security that the institution is being managed by an officer whose probity is recognized by the Government. There is also another danger of inefficient men becoming commissioners of these devasthanams if the choice is extended beyond the Government service. The appointment has got to be made either from Government service, I admit, or from outside it by the Minister in charge of the subject. But yet the number of applications that might be made to him would be certainly fewer if the choice is restricted only to the Government service. Then he will not have the delicate task of weighing the qualifications, and, what is more difficult, the influence and the recommendations which those who are outside the Government service would bring to bear upon the Ministry. I dare say the hon. Minister himself will feel greatly relieved if the choice is restricted to Government servants, because he would to that extent be less worried about this appointment. During the stage of the introduction of this Bill, much stress was laid upon the necessity of placing the affairs of these devasthanams in the hands of an executive officer who could be relied on for continuous good conduct. It is only in that spirit that I have ventured to make this amendment. I think hon. Members sitting on the other side of the House, some at any rate, are also of that opinion. I hope the hon. Minister himself will see the necessity of instilling confidence in the minds of the public by placing the affairs of these devasthanams in the hands of officers whose character and whose conduct is sufficiently guaranteed by the mere fact of their being included in Government service."

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—"I second it."

\* Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"Mr. President, Sir, though at one stage of the Select Committee, we were in favour of restricting the choice only to Government officers, afterwards I had to yield to the wishes of the majority of the Members of the Select Committee who did not want such a restriction. The clause in the Bill as amended by the Select Committee therefore appears better. Everyone admits that the commissioner's post is the most important one under this Bill. As such, I am afraid the choice should not be restricted to Government officers alone. In view of the importance of the post, the field of choice should be very large, so that the best man can be selected for the post. In these days, for every superior Government appointment, whether it be to the judiciary or other departments, we want direct appointments. Thus, while we are against the appointment of persons from the ranks, I cannot understand the



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logic of my hon. Friend Mr. Sami Venkatachalam Chetti that for this appointment, only Government servants should be selected. This question was discussed at great length in all its bearings in the Select Committee stage, and having come to that conclusion I am sorry I am not for receding in favour of the amendment of my hon. Friend, Mr. Sami Venkatachalam Chetti."

\* MR. SAMI VENKATACHALAM CHETTI:—"Mr. President, my surprise to-day is the greatest I have ever had in the matter of somersaults, such as the one my hon. Friend, Mr. Ratnasabhapatil Mudaliyar, has made now. It is only an hour ago, Sir, he agreed with me on the merits of the question and even told me that he asked Mr. Khaliful-lah to table a motion to the same effect. Of course, I anticipated that it was very unlikely that he would vote for an amendment of this kind, when it came before the Council. But I did not really bargain for a speech of that sort finding arguments for a somersault. That unpleasant task might have been left to some other Member who really believed in the matter. I therefore withdraw the amendment."

The amendment was by leave withdrawn.

Clause 18 was put and carried.

#### Clause 18-A.

\* DIWAN BAHADUR R. N. AROGYASWAMI MUDALIYAR:—"Sir, with reference to clause 18-A, I find some difficulty. To begin with I find there is no definition of the term 'Hindu.' What is a Hindu? Is Sir Patro, who is Brahmo, a Hindu? Mr. Ranganatha Mudaliyar is a Theosophist; is he a Hindu? Coming next to the term 'professing the Hindu religion, I think, Sir, here again there is no definition to guide us. I am therefore in a difficulty as to what exactly the term 'professing the Hindu religion' means. The Hindu religion is not a dogmatic religion. For instance, you can determine whether a man is a professing Roman Catholic or not. But in the case of the Hindu religion, it allows the widest possible range of beliefs. A man may be anything and still be a Hindu. I appeal to my hon. Friend the Advocate-General to enlighten me on the point. I expected in a Bill like this at least the term 'Hindu' and the term 'Hindu religion' would be defined; but there are no such definitions in this Bill."

\* MR. SAMI VENKATACHALAM CHETTI:—"I think my hon. Friend's speech to-day has justified the position we have taken in respect of the word 'Hindu' being retained in that section. I quite sympathize with his complete lack of information with regard to who is a Hindu and who is not. That is why we held that such people are disentitled to vote for elections to a Hindu institution."

\* DIWAN BAHADUR C. S. RATNASABHAPATI MUDALIYAR:—"It is clear from the position which was taken up by hon. Friend, Mr. Arogyaswami Mudaliyar that the electorate should comprise of no others than Hindus. Because he is not able to distinguish between who is a Hindu and who is not. If such a right of electing members to a Hindu institution is conceded to Christians or others, we do not know where we will be."



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\* Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—"It is not a question of conceding electoral rights to others. What I should like to know is whether there is any definition of the term 'Hindu' or 'Hindu religion.'"

Diwan Bahadur Sir ALLADI KRISHNASWAMI AYYAR:—"I did not wish to interpose in the debate. I do not think there has been a judicial definition of the Hindu religion. But there is a judicial definition of the expression 'Hindu'; that is to say, one belonging to the community called Hindu which is well known in India. It is the members of that community who are governed by the Hindu law. The expression 'Hindu' has come up before the courts and has been judicially interpreted. Evidently the framers of the Bill meant 'by professing the Hindu religion' those belonging to the community well known as Hindus."

Clause 18-A was put and carried.

Clauses 19 to 35 were then put and carried.

#### Clause 36.

\* Mr. SAMI VENKATACHALAM CHETTI:—"Sir, I move the following amendment:—

*'In clause 36 (v), after the words "the lighting thereof", add the words "for the convenience of the pilgrims and worshippers."'*

"The House will find that with regard to the diversion and utilization of the funds, in every one of the objects for which this utilization was provided there is a phrase meaning that these improvements and amenities should be for the benefit and relief of the pilgrims and worshippers, whereas in the case of roads, communications and the lighting thereof, that is omitted. The probable inference from such an omission would be that with regard to the construction and maintenance of roads and communications and the lighting thereof, the money could be spent even outside the district, which I am sure is not the object of the framers of the Bill. It must be merely by an unintentional omission that that phrase is not there. I would therefore suggest that the words 'for the convenience of the pilgrims' may be added."

Mr. G. SIMHACHALAM PANTULU:—"I second it."

\* Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"I have no objection to accepting the amendment in the form 'for the convenience of the pilgrims and worshippers'."

Mr. SAMI VENKATACHALAM CHETTI:—"I accept it and my amendment be framed accordingly."

\* The hon. the PRESIDENT:—"The question is—

*'in clause 36 (v) after the words "lighting thereof" add the words "for the convenience of the pilgrims and worshippers".'*

The amendment was carried.



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Mr. SAMI VENKATACHALAM CHETTI:—"Sir, with your permission, I just want to move a small amendment with regard to item (vi) in clause 36. I cannot really find a proper word for it. I would request the help of my hon. Friend, the Advocate-General, with regard to this sub-clause dealing with the training of archakas to perform the religious worship and ceremonies in the devasthanams. I want to include in this training those people who perform what is called 'Sevakalam.' You are aware, Sir, the Advocate-General is also aware, what is called Seva which follows a procession. Recently there has been a large reduction in the number of those who attend to the Sevas. That is because there has not been much encouragement for them to take up to this particular service of God.

"I would like that provision be made for the training of such people. They are not included in the category of archakas, because they stand on a different footing. There are particular forms of service in Vaishnava temples, which is not the service of archakas or other class of people. That service has been in existence for a long time. Of late that service is gradually dying out for want of encouragement. I want people to be trained in the particular kind of service. I cannot find the exact word to define that service. I therefore appeal to the Advocate-General for assistance; and if that amendment be allowed at the third reading, I shall be glad."

Mr. R. MADANAGOPAL NAYUDU:—"That service is the chanting of *Nalayiram* and *Vedam*."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"The wording of the clause is very elastic. Mr. Sami Venkatachalam Chetti is afraid that when we say the training of archakas the meaning of the phrase is very much restricted. I think his difficulty will be met if you say 'archakas and others'."

Mr. SAMI VENKATACHALAM CHETTI:—"That will introduce some other confusion. We want only a particular kind of archakas. If you say 'others' it may mean anything. I would like to guard myself against it. I would therefore defer it to the third reading of the Bill; as the hon. Minister has agreed to this, I think there will be no objection to my amendment."

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—"In clause 36 we have provided for what may be considered to be normal services to be performed in the temple. Whether any further restrictions should be made to the services is a question which cannot be answered offhand. I would certainly examine the amendment of my hon. Friend and if there is no objection I shall agree to it."

Clause 36, as amended, was put and carried.

#### Clause 37.

Diwan Bahadur Sir ALLADI KRISHNASWAMI AYYAR:—"I propose 'that for the words "not inconsistent with" the words "consistent with and calculated to promote" be substituted.'



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[Sir Alladi Krishnaswami Ayyar]

“Hon. Members will at once see what the object of the amendment is. The main principle of this clause is to give effect to what is technically known as the Cypres doctrine. ‘Not inconsistent with’ is not a happy expression. I am quite alive to the fact that it occurs in the original Endowments Act, but it is not a correct rendering of the doctrine of Cypres. I trust hon. Members will have no difficulty in accepting my amendment as it will bring the language of this section in line with the well accepted principle of Cypres.”

Mr. K. P. RAMAN MENON:—“I second it.”

\* Rao Bahadur Sir A. P. PATRO:—“The doctrine of Cypres will bring great confusion in the interpretation and administration of this particular clause. The clause as it stands is working satisfactorily. In the Hindu Religious Endowments Act, section 67, we have got this phrase ‘not inconsistent with’, and no difficulty has arisen so far. So I shall urge on the House to accept the language of the original Act instead of the alteration proposed by the learned Advocate-General, as we do not know to what extent this may lead us to. I do not say he has said anything very technical. The amendment is restrictive. It is only a commonsense view and such as we find in ordinary experience. Ordinary experience will guide us as much as possible and avoid loopholes that may lead to litigation. To-morrow, some one taking advantage of the Cypres doctrine may file an application and may lead to great trouble and expense for the temple. Therefore I would adhere to the language already accepted, which would cause no inconvenience whatever.”

\* Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—“I will support the amendment that has been moved by the Advocate-General, with the latter portion left out which would bring in the Cypres doctrine as well understood and which he wants to be embodied in this Bill. There is a lot of difference between the Hindu Religious Endowment Bill and this Bill. That Bill deals both with mutts and temples. And the idea is if with reference to a mutt the disciples of a mutt and the Guru agree upon a certain form of expenditure which is likely to promote the object of the mutt, others need not interfere. That is the object with which the words ‘not inconsistent with’ were used there. My Friend Sir Patro said that we have not felt any difficulty in the administration of the Hindu Religious Endowments Act so far. I ask him whether any occasion has arisen for the application of this principle in the past? To my knowledge it has not arisen, at any time. There is another point also. We are not here giving an indefinite power for the people to spend their money. In section 37 itself, we are specifying the objects on which after incurring the necessary expenditure of the temples the balances can be spent. I do not think there can be any difficulty in finding ways in which money can be spent. There is no reason why we should introduce a general clause giving wide freedom to spend the money as they choose without reference to the wishes of the people concerned. As I submitted at the beginning, we are dealing with a particular temple; it is not that we are making a



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general rule for all the temples. So the amendment of the Advocate-General seems reasonable, but I would retain the words 'consistent with' and leave out the further restriction implied in 'calculated to promote'; because it will become a difficult matter for decision if it goes to Court. The words 'consistent with' would bring out the general idea of the Cypres doctrine."

\* Sriman M. G. PATNAIK Mahasayo:—"No doubt as explained by the Advocate-General, the amendment is intended to restrict the scope of that clause. His object seems to be that the expenditure should be confined to the purposes not only not prohibited by but also consistent with them. But here 'not inconsistent with' is a wider term and means 'not actually prohibited by or repugnant to'. This expression is apparently borrowed from the Hindu Religious Endowments Act itself. Therefore in regard to other temples in the Presidency that clause applies, and there is no reason why that wording should not be adopted with regard to this particular temple.

"Moreover, this temple would have been brought within the scope of the Hindu Religious Endowments Act but for the fact there was a scheme framed or approved by the Privy Council, and this Bill is introduced really to do away with that scheme as far as possible, and see that the administration of the temple is brought into line with temples governed by the Hindu Religious Endowments Act. If this is the object I see no reason why any distinction should be made as to the application of the surplus funds. Unless of course any useful purpose is going to be served by restricting the scope, the amendment should not be adopted. This is a temple where very large sums of money are available, and if they are to be spent only for the purposes for which the institution came into being, I think so much money will be practically wasted. For these reasons this amendment should not be accepted."

Mr. SAMI VENKATACHALAM CHETTI:—"Mr. President, much stress was laid on the fact that the same phrase 'not inconsistent with' exists in the Hindu Religious Endowments Act. Well, Sir, that phrase was accepted in the sense that no money would be spent on objects which are not consistent with the objects of the Hindu devasthanams. If to-day we are informed that that phrase does not carry out the full significance and the meaning it had when we passed it, I think it is up to us to correct it not only with reference to this Bill but also with regard to the other Act. If the hon. Advocate-General with his experience of law and experience of instances of disputes arising on account of indefinite and vague phrases occurring in enactments ventures an opinion and says that the proper phraseology would be 'consistent with' instead of 'not inconsistent with' I should defer to his opinion as against the opinion of other gentlemen who do not base their opinion on the study of the law, but upon experience gained in the administration of the previous Act. Even that experience, if examined, as pointed out by Mr. Ramalingam Chettiyar is nothing. No case has arisen so far as that particular Act is concerned where it has



[Mr. Sami Venkatachalam Chetti] [3rd August 1932]

been decided that 'not inconsistent with' carries the same significance as 'consistent with.' Therefore that experience does not stand in good stead to oppose the motion of the Advocate-General.

"Now, with regard to the actual phrase itself, it seems necessary to point out that 'not inconsistent with' might mean anything; for instance, utilization of funds to promote other religions may not be inconsistent with the objects of the devasthanam, because the Hindu religion thinks that all religions have got a place in the world; it has no bias or prejudice against other religions. It considers itself as one religion and it also gives room to many other religions existing in the world. It could not be said that the funds that would be devoted for the purpose of, say, Muslim religion or Christian religion, may not be not inconsistent with the objects of the devasthanam, but still it is not consistent with objects of the devasthanam. So the intention must be to utilize the funds of the devasthanam for the purposes for which this devasthanam was founded or endowed by donors.

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"That was consistently the attitude taken even with regard to the framing of sections in other Acts. From the provisions as they exist in the Bill at present, you will find that roads may be used by people other than pilgrims, hospitals may be used by others than those for whom they are intended, and so also schools and choultries by people other than those for whom they are intended. The object of the Act should be to make these things pre-eminently intended in the first place for those people who have got an interest in the devasthanams and latterly to other things. Therefore with regard to the diversion of funds it is really very important that we must go by the interpretation of law. With regard to the interpretation of law, I do not think we need go to any other quarter than the Advocate-General. I therefore support his amendment."

Mr. C. R. PARTHASARATHI AYYANGAR:—"Apparently there is a feeling of doubt as to the particular meaning that will have to be attached to the words 'not inconsistent with' and the words 'consistent with'. The learned Advocate-General says that he wants to simply copy the words expressed in the English Law on the subject. Whatever that might be, when we are going to consider these two negative words, later on, legal ingenuity will certainly be exercised to as great an extent as possible. *Prima facie* the words 'not inconsistent with' and the words 'consistent with' do not connote the same idea. Therefore, we have to see what words will give a wider scope and a liberal interpretation. I think as we are progressing every day we cannot be hidebound with regard to the utilization of funds for the purposes for which the devasthanam funds should be utilized. The idea of yesterday is not the same to-day. We have far advanced. We may hereafter have some definite idea for which the surplus funds of the Tirupati Devasthanam should be used. It is very clear that as we are progressing we may be confronted with new schemes of expenditure in future. If the amendment of the learned Advocate-General is accepted it may land us in difficulties. Questions will arise as to what



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are the purposes for which the surplus funds should be used. But the words 'not inconsistent with' gave us a wider scope and latitude to use the funds of the devasthanams for purposes which for the time being we may consider essential. Hindu religion is so wide as to include every form of activity. If the expression 'consistent with' is used it may be said to-morrow that a certain purpose for which we want to utilize the funds is not consistent with the objects of the Act and that the Legislature did not contemplate it. That is how any High Court Judge will construe the section. Therefore, I would suggest that the words 'not inconsistent with' which is a wider expression may be retained."

\* Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"Sir, I have to oppose this amendment. I am not a vakil to enter into the merits of this question. I agree with Mr. C. R. Parthasarathi Ayyangar in thinking that the clause should be retained as it stands. In view of sub-clauses 37 (1) and (2), I do not see any harm in having this clause as it is. I want that the provisions of this Act should be consistent with the provisions of the Hindu Religious Endowments Act. With due deference to the learned Advocate-General I should say that the clause should stand as it is."

\* The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—"Sir, the amendment wants to restrict the application of surplus funds to purposes which are 'consistent' with the objects of the endowments."

Diwan Bahadur Sir ALLADI KRISHNASWAMI AYYAR:—"I find it difficult to understand the double negative."

\* The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—"It is not merely a question of grammar. If you say that the funds should be utilized for objects which are 'consistent with' the objects of the institution, the scope of utilization is restricted. Mr. Sami Venkatachalam Chetti said that the words 'not inconsistent with' may include objects which are 'not consistent with' the objects of the institution, and he even went to the extent of saying that not only should we amend the clause here, but also it is necessary to amend the provision in the Hindu Religious Endowments Act as well. These words 'not inconsistent with' are found in that Act. Even at the time when that Act was enacted, I remember that a very strong agitation was made that the words 'not inconsistent with' should be modified as suggested now, but the Council on both occasions when that Act was considered voted in favour of retaining the words 'not inconsistent with'. We are merely importing that very section into this Bill. I therefore think that if you want to avoid the possibility of another agitation to amend the Hindu Religious Endowments Act it is preferable to continue the existing wording 'not inconsistent with'. I would rather say that as a matter of policy this Council has adopted that expression on two different occasions and I do not see any reason why we should not adopt the same now. I, therefore, oppose the amendment."

\* Diwan Bahadur Sir ALLADI KRISHNASWAMI AYYAR:—"The only reason why I brought forward the amendment is because I find it



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difficult to understand the import of the double negative 'not inconsistent with' in the context. I could well understand purposes which are inconsistent with a foundation and purposes which are consistent with a foundation. How is a Court of Law or the Endowments Board to find out purposes which are not inconsistent with a particular purpose. It would be a difficult task for the Endowment Board or even for the Court to give directions for utilization of funds not inconsistent with the purposes. One of the hon. Members stated that the expression occurs in the Religious Endowments Act. But for the fact that I owed it to myself by virtue of my office as the 'Protector' of charities to bring to the notice of the House what exactly is the correct principle that has to be adopted in regard to the application of funds devoted to charitable purposes I should never have interposed in this debate. I may mention that long before I assumed my present office, writing in the Madras Law Journal, I commented upon the expression 'not inconsistent with' occurring in the original Religious Endowments Bill. I should like to explain the principle underlying my amendment to my hon. Friends who are progressives, or at least some of them. It is not right that we should trade upon the credulity of other people who are making their offerings to these temples in the belief that the surplus funds are going to be utilized for certain purposes which are dear to their heart. To take an example: suppose a chair is started for examining the foundations of religious belief; it may be a very good thing to do from the point of view of some people. If such a chair is started nobody can affirmatively say according to the Bill as it stands at present that such a purpose is inconsistent with the objects of the Devasthanam although it may not be consistent. Or again, take the case of a chair for examining the foundations of idol worship. It may be difficult to state that such a foundation is inconsistent with the purposes of the Devasthanam though the foundation may not be consistent with and calculated to promote the purposes of the Devasthanam. I therefore ask hon. Members consistently with the dominant motive and intention of the people making the offerings to accept the amendment. I believe I have done my duty as 'Protector of Charities' in respect of religious institutions by bringing this point to the notice of this House and it does not matter a bit to me what exactly is the fate of this amendment."

The amendment was put and declared lost.

A poll was demanded and the House divided thus:—

*Ayes.*

- |                                                |                                                  |
|------------------------------------------------|--------------------------------------------------|
| 1. Dr. P. Subbarayan.                          | 7. Mr. G. Simhachalam Pantulu.                   |
| 2. Diwan Bahadur R. N. Arogyaswami Mudaliyar.  | 8. „ K. A. Nachiyappa Gounder.                   |
| 3. Rao Bahadur T. A. Ramalingam Chettiyar.     | 9. „ A. Pl. N. V. Nadimuthu Pillai.              |
| 4. Mr. Sami Venkatachalam Chetti.              | 10. „ K. S. Sivasubrahmanya Ayyar.               |
| 5. Khan Bahadur Mahmud Schammad Sahib Bahadur. | 11. „ P. Peddi Raju.                             |
| 6. Rao Bahadur T. M. Narayanaswami Pillai.     | 12. Diwan Bahadur Sir Alladi Krishnaswami Ayyar. |
|                                                | 13. Mr. K. P. Raman Menon.                       |



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## Noes.

- |                                                           |                                                   |
|-----------------------------------------------------------|---------------------------------------------------|
| 1. The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur. | 19. Diwan Bahadur C. S. Ratnasabhapati Mudaliyar. |
| 2. „ Diwan Bahadur Sir M. Krishnan Nayar.                 | 20. Diwan Bahadur M. Gopalaswami Mudaliyar.       |
| 3. „ Sir Archibald Campbell.                              | 21. Mr. B. P. Sesha Reddi.                        |
| 4. „ Mr. H. G. Stokes.                                    | 22. „ P. C. Moses.                                |
| 5. „ Mr. P. T. Rajan.                                     | 23. „ C. Indriah.                                 |
| 6. „ Diwan Bahadur B. Muni-swami Nayudu.                  | 24. „ P. Bayappa Reddi.                           |
| 7. Mr. C. E. Jones.                                       | 25. „ T. Narasa Reddi.                            |
| 8. „ J. A. Thorne.                                        | 26. The Raja of Kallikote.                        |
| 9. „ H. M. Hood.                                          | 27. The Zamindar of Mirzapuram.                   |
| 10. „ R. Madanagopal Nayudu.                              | 28. Mr. A. V. Bhanoji Rao.                        |
| 11. „ S. H. Slater.                                       | 29. „ Daniel Thomas.                              |
| 12. „ E. Conran Smith.                                    | 30. Pandit Ganala Ramamurti.                      |
| 13. „ T. Sundara Rao Nayudu.                              | 31. Mr. D. V. Narasimhaswami.                     |
| 14. Khan Sahib Syed Tajuddin Sahib Bahadur.               | 32. Sriman M. G. Patnaik Mahasayo.                |
| 15. Rao Bahadur A. T. Pannirselvam.                       | 33. Rao Bahadur Sir A. P. Patro.                  |
| 16. Mr. K. C. M. Venkatachala Reddiyar.                   | 34. The Maharaja of Venkatagiri.                  |
| 17. „ M. Devadasan.                                       | 35. Mr. G. Sriramulu.                             |
| 18. Subadar-Major S. A. Nanjappa Bahadur.                 | 36. Rao Sahib V. I. Muniswami Pillai.             |
|                                                           | 37. Mr. G. Lakshmana Reddi.                       |
|                                                           | 38. „ A. Ranganatha Mudaliyar.                    |
|                                                           | 39. „ K. Koti Reddi.                              |
|                                                           | 40. „ C. R. Parthasarathi Ayyangar.               |
|                                                           | 41. „ J. Kuppuswami Choudari.                     |
|                                                           | 42. „ C. Satyanarayana Choudari.                  |

Ayes 13. Noes 42.

The amendment was lost.

Clause 37 was put and carried.

Clauses 38 to 49 were put successively and carried.

Schedules I and II were put and carried.

The Preamble was put and carried.

The House adjourned to meet again at 11 a.m. the next day.

## XXXIII. PAPERS LAID ON THE TABLE OF THE HOUSE.

<sup>1</sup> Statement showing additions and reductions in non-voted appropriations sanctioned during the year 1931-32.

<sup>2</sup> G.O. No. 2922, L. & M., dated 26th July 1932, fixing the date of retirement of members of district and taluk boards in the Madura district.

R. V. KRISHNA AYYAR,  
Secretary to the Legislative Council.



3rd August 1932

## APPENDIX I.

[Vide answer to question No. 63 asked by Diwan Bahadur C. S. Ratnasabhapatil Mudaliyar at the meeting of the Legislative Council held on the 3rd August 1932, page 165 supra.]

*Statement showing the number of motor vehicles under each class that paid tax for one or more quarters of 1931-32.*

| District.        | Buses.       | Lorries.     | Motor cars.   | Motor cycles. |
|------------------|--------------|--------------|---------------|---------------|
| Agency Division  | 2            | 10           | 5             | 3             |
| Ganjam ..        | 57           | 11           | 134           | 25            |
| Vizagapatam ..   | 131          | 52           | 302           | 43            |
| East Godavari .. | 144          | 7            | 170           | 38            |
| West Godavari .. | 31           | ..           | 69            | 16            |
| Kistna ..        | 103          | 10           | 79            | 15            |
| Guntur ..        | 99           | 11           | 86            | 15            |
| Nellore ..       | 70           | 3            | 69            | ..            |
| Cuddapah ..      | 53           | 2            | 35            | 6             |
| Anantapur ..     | 40           | 7            | 32            | 4             |
| Bellary ..       | 93           | 34           | 127           | 11            |
| Kurnool ..       | 92           | 17           | 47            | 2             |
| Chingleput ..    | 145          | 26           | 39            | 10            |
| Chittoor ..      | 65           | 9            | 66            | 4             |
| North Arcot ..   | 180          | 10           | 133           | 13            |
| South Arcot ..   | 70           | 5            | 67            | 15            |
| Tanjore ..       | 167          | 15           | 236           | 15            |
| Trichinopoly ..  | 146          | 33           | 1,060         | 58            |
| Madura ..        | 314          | 41           | 275           | 30            |
| Ramnad ..        | 244          | 16           | 337           | 8             |
| Tinnevely ..     | 168          | 9            | 182           | 37            |
| Coimbatore ..    | 283          | 96           | 540           | 148           |
| Nilgiris ..      | 73           | 209          | 632           | 129           |
| Salem ..         | 202          | 11           | 146           | 46            |
| South Kanara ..  | 167          | 33           | 208           | 33            |
| Malabar ..       | 228          | 38           | 489           | 74            |
| North Malabar .. | 11           | 2            | 53            | 20            |
| South Malabar .. | 5            | ..           | 8             | 13            |
| City ..          | 502          | 291          | 5,633         | 1,228         |
| Foreign ..       | 283          | 29           | 1,255         | 188           |
| <b>Total ..</b>  | <b>4,171</b> | <b>1,037</b> | <b>12,514</b> | <b>2,247</b>  |



3rd August 1932]

## APPENDIX II.

[Vide answer to question No. 81 asked by Mr. U. C. Subrahmanya Bhatt at the meeting of the Legislative Council held on the 3rd August 1932, page 182 supra.]

*Copy of letter from Dr. N. Ganesha Pai, Nileshwar, South Kanara, dated Kanhangad, the 2nd March 1932.*

I most humbly beg to bring the following for your kind persal and sympathetic consideration.

To-day at about 10 a.m., at Kanhangad, two Congress volunteers with a national flag and some printed Congress pamphlets were marching in a procession along the main road from north to south. I was seated in a coffee club just close to the road. The volunteers were stopped on the road a few yards north of the coffee club by a posse of reserve police. It was only then that the passers-by began to collect near them. Then the police asked the crowd to disperse. The crowd melted away leaving the two volunteers alone on the road. The national flag and the pamphlets were forcibly snatched from their hands and they were ordered to go back which they refused. Then the police began to beat the volunteers with lathis and canes until they fell on the ground. Then they were raised up and again beaten with lathis and canes, and then again they were dragged along the road for nearly a furlong. The Local Fund Dispensary was only a few yards away from the place of action. But the police dragged the volunteers along the road and were left unconscious one and a half furlongs away to the north of the hospital on the road itself. After nearly half an hour the volunteers—it seems—gained consciousness and were helped by some of the passers-by to the railway station. I came to know at about 12-15 that the volunteers were lying in the railway station untreated and unlooked for. So I went to the station and brought them in a car to the Local Fund Dispensary at about 1 p.m. They received first aid only at 1 o'clock though they were beaten and left at about 10-30 a.m. Proper treatment was available only at 3 p.m. I understand that there is no section 144 promulgated here.

Therefore I request most humbly to do the needful in the matter.



